SENATE—Wednesday, June 19, 1991

(Legislative day of Tuesday, June 11, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

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

Let us pray:

Blessed be God, even the Father of our Lord Jesus Christ, the Father of mercies, and the God of all comfort; Who comforteth us in all our tribulation, that we may be able to comfort them which are in any trouble, by the comfort wherewith we ourselves are comforted of God.—II Corinthians 1:3,4.

God of all comfort, our hearts join with those of Senator BURNS and his staff in the loss of James Parsons, a brilliant young man, killed in a tragic highway accident last Friday evening on his way to see his parents in New Jersey. We pray that Thou wilt fill their hearts with Your comfort and peace. We remember James' family who, in their grief, find no answers to the question, "Why?". You alone can respond to that profound need in their lives, and we pray for Your comfort to satisfy that need.

In this large Senate family, Father, there are many who are hurting, and most of us are unaware. There are those who are ill, some seriously; some who struggle at their tasks, finding office relationships difficult. Some face the battle with alcohol, in themselves, their spouse or another family member. Many are frustrated, possessed by a sense of futility. There are some for whom life has become meaningless. Gracious Father, for all our hurting friends we pray. Help each of us to be sensitive to the needs of others and wisely respond when the needy need us. May the love of God fill our hearts so that whatever the situation, lonely, hurting people really experience love.

We pray in His name who is incarnate love. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 19, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

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.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi [Mr. LOTT] is recognized to offer an amendment.

Mr. LOTT. Thank you, Mr. President.

AMENDMENT NO. 358

(Purpose: To eliminate language which lowers the Federal share payable for certain projects)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 358.

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

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

The amendment is as follows:

On page 5, line 4, insert "pursuant to section 144 of title 23, United States Code" after "gram".

On page 5, line 11, insert "pursuant to section 119 of title 23, United States Code" after "Highways".

On page 28, strike out lines 2 through 25.

On page 29, line 1, strike out "(c)" and insert in lieu thereof "(a)".

On page 29, line 8, strike out "(d)" and insert in lieu thereof "(b)".

On page 29, line 11, strike out "(e)" and insert in lieu thereof "(c)".

On page 29, line 21, strike out "(f)" and insert in lieu thereof "(d)".

Begining on page 30, strike out line 20 and all that follows through line 4 on page 35.

Mr. LOTT. Mr. President, I would like to inquire first about the division of time.

The ACTING PRESIDENT pro tempore. The time on this amendment will be 15 minutes, equally divided and controlled in the usual form.

Mr. LOTT. Mr. President, let me start off by explaining basically what this amendment would do. It seeks to bring the Federal matching ratios for interstate maintenance and bridges back to current law, which would mean that interstate maintenance would be 90–10, and bridges, all bridges, would be 80–20.

Mr. President, the States are struggling under ever increasing loads already. Many programs that the States have primary responsibility for are increasing in costs. The States are trying to improve themselves in areas as diverse as education, health care, and Medicaid.

We in the Congress and in Washington, for several years now, have been shifting more and more responsibility and costs for our programs back to the States. And there has been a lot of debate about that. I personally have voted many times to shift some of those responsibilities and costs back to the State and local level.

All that is fine, up to a point. Some of the programs that we have run and funded from Washington for several years truly are State and local in nature, and they should be held responsible and they should bear the costs for those programs. But in this bill, we are talking about the Federal highway bill, we are talking about interstate highways and interstate maintenance and bridges.

One of the important things about this bill is the support that we do provide for bridges. Bridges are extremely expensive. I know in my own State, we have the need for some bridges. One of them is $35 million; another $50 million; another $55 million; very expensive items which are expensive to build and they are expensive to maintain. So it is very important that we not shift more of the burden for these highways, these Federal highways, these interstate highways, back to the States.

We are, in effect, saying, "Look; we will build these interstate highways,

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

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but you are going to have to bear an even greater responsibility for maintaining them as they deteriorate and need repair."

But the intent of this amendment, I want to emphasize, is only to keep the current law. I am not trying to lower the States' share. I am not trying to show preference to one region over another. And I recognize and fully acknowledge that the committee members in the committee bill came up with a formula that is more favorable to the States with regard to some of the rural highways, the off Interstate Highway System, and that is great. I commend them for it. I do not deal with this. My amendment only effects these two areas where the burden is going up.

The amendment would not change any other ratios except for interstate maintenance and bridges. It would produce a Federal matching average of approximately 81 percent for the entire bill, which is only slightly lower than current law, an average of 83 percent. The Moynihan bill produces a Federal matching average of approximately 79 percent.

Now, you might say you are only talking about 2 or 3 percent; what is the big deal? When you are talking of hundreds of millions of dollars, in fact, billions of dollars, it makes a lot of difference. And the poor States, the rural States, are not able to come up with 25 percent matching, in many instances, of these $30 and $40 million projects.

I think that this question of Federal matching ratios has kind of been lost in the debate because we got so tangled up over the formula of allocation, and that is understandable. But if you talk to your Governors, if you talk to your State highway commissioners, they will tell you this is a very important item. In fact, they would probably tell you it is one of the two most important items in this legislation: The allocation formula and the Federal matching share.

Some people will say, well, the administration is opposed to this; the administration has come up with legislation that would raise the States' share. I know that. I fully understand that, and I try, whenever possible, to support the administration when they make recommendations for legislation.

But this is much more important than one branch of the Government saying: We have to have it. It is much more important than partisanship. This is a question of the ability of people to be able to build and maintain roads and bridges for safety, for development, for opportunity to move around the State.

And let me emphasize again, there are many sections in this bill that I think really work to the disadvantage of rural poor States.

My amendment would amend a section in the bill, section 108, with regard to the bridge program. This is section 108(a)(f), line 4. It says:

> The Federal share payable for any project undertaken under this subsection shall be 80 per centum, except for any costs attributable to the expansion of the capacity of any bridge or the construction of any new bridge where such new capacity or new bridge is primarily available to single occupant vehicles.

Mr. President, in most States, that is every bridge. Only where you have car pools and mass transit would it not affect you. So what is happening here is a State like my State would be forced to have to come up with the higher share of funds.

I ask unanimous consent, Mr. President, that a "Comparison of Federal Matching Ratios" of the various bills and amendments be printed in the RECORD.

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

COMPARISON OF FEDERAL MATCHING RATIOS—SURFACE TRANSPORTATION EFFICIENCY ACT

	Interstate completion	Interstate maintenance	Bridges
Current law	90/10	90/10	80/20
Lott	90/10	90/10	80/20
Administration bill	90/10	90/10	75/25
Moynihan (S. 1204)	90/10	80/20	[1] 75/25 [2] 80/20
Graham	90/10	90/10	85/15

[1] Single occupancy.
[2] All other.

Mr. LOTT. The current law on interstate completion is 90–10. I would keep that at 90–10. The Moynihan bill would keep it at 90–10. But interstate maintenance in current law is 90–10; the Moynihan bill, S. 1204, would drop that to 80–20. The State would have to come up with 20 percent.

For bridges, the current law is 80–20. I would keep it at 80–20. S. 1204 would make it 75–25 for single occupancy, which is every bridge in a lot of States, and 80–20 for all others.

I think it is fundamentally a question of fairness or even the ability to repair these bridges or build bridges. Out of all the Federal Government's responsibilities, I think a primary responsibility is the Interstate Highway System.

So I urge my colleagues to take a close look at this amendment. It is not a lot of money from the Federal standpoint, but it is a lot of money, and it is important money, for States like my own State that have a high gasoline tax, low income, and an inadequate highway system. We are paying a tremendous share of our revenues coming into the State in Mississippi already for highways. We have an 18-cent State gasoline tax. In my own home area we add another, I believe it is, 4 cents for seawall protection and the road along the seawall. So we are talking about as much as 22 cents for State gasoline tax. And then we have Federal tax on top of that of 14 cents. We are doing all we can do. Without a fair Federal-State ratio, we will not be able to provide the interstate maintenance and bridge maintenance we so desperately need.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I have great respect for the Senator from Mississippi, as he knows; we have discussed this. But, to put this in perspective of where we are with Senator MOYNIHAN and myself on this bill, we started out with an administration that told the committee they would guarantee us a veto if we did not have a 60–40 ratio. There is some merit in what the administration wants to do. I think they want a lever so more States and more local entities participate in the funding of the transportation system of the country and decentralize it from Washington, DC. That is a view I know my good friend from Mississippi shares, that we should decentralize all this authority.

We made a compromise. But I can tell my colleagues the administration has contacted me this morning, and the Lott amendment is totally anathema to the Department of Transportation, the Federal Highway Administration, and to the President. So I urge my colleagues to support a tabling motion that will be offered by Senator MOYNIHAN and myself very soon, at 10:15.

Senator DOLE and Senator BYRD—if Senators have noticed—Senator BYRD offered an amendment that has been accepted that pays a reward to States for their participation. This helps with the general theory of a higher match because it rewards States that put in a better participation.

Senator DOLE is going to come in and make an attempt to modify the Byrd amendment or to amend it to make what he thinks is a more fair distribution, based on a level of effort made by States. In my opinion, we should resolve this through the aspects of the Dole-Byrd, some compromise, something in between—we do not know how it will come out with respect to the conference—and not accept this amendment at this time. This bill generally is 80–20, and in certain instances 75–25. The interstate construction still is the 90–10.

I think it is a good compromise, and I ask my colleagues, with all due respect to my good friend from Mississippi, to vote to support the committee in a tabling motion that we will make shortly.

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

Mr. MOYNIHAN. Mr. President, we feel, as managers of the legislation before us, that we have a responsibility to the Senate as well as to the commit-

tee which sends us here with a bill reported 15 to 1. We understood the reasons the administration wanted to leverage more money by having a more nearly equal contribution ratio. Indeed, up until 1965, all Federal highway moneys were 50–50. We went to the extraordinary 90–10 to build the Interstate and Defense Highway System. It was not a very scientific thing. One of the participants in the decisions is recorded as having said that we had a gut feeling that would get the job done, and they were not wrong. At 90–10, who can say no?

But 90–10 is a formula, we said over and again in this debate, for treating these moneys as free goods. Free goods are always wasted. We are talking productivity here.

I read to my despair in one of our newspapers this morning that our bill emphasized repairs. No, it does not. We are talking about productivity; we are talking about cost effectiveness; we are talking about trying to find some way to get principles of competitive choice. And the last way to do it is to go back to the notion that this is all free money. If you want less investment in infrastructure, here is your way to do it. Whereas the Federal moneys would have been matched at 20 percent under our bill, at 10 the aggregate drops about 50 percent.

I just cannot support this. I do hope Senators will understand why, while this might seem attractive, the whole thrust of our legislation is to say otherwise.

Mr. SYMMS. I think, Mr. President, if the Senator will yield, it also makes it so that those State engineers are more sensitive to the decisions that are made because there is a little bit more of the State money in it.

Mr. MOYNIHAN. Yes.

Mr. SYMMS. It is not a whole lot more, but there is a little more commitment, enough to make a difference in their thinking so they do not build some of the white sidewalls and some of the expensive, unnecessary adornments along the road, thinking the Federal Government is paying for it anyway.

Mr. MOYNIHAN. That is our theory, Mr. President, about why productivity disappeared from this sector of the economy. Because there was no reward for productivity; the money was free.

Mr. SYMMS. The Senator is correct.

Mr. MOYNIHAN. Mr. President, I do not want to delay. With respect to the amendment of our friend from Mississippi, I move to table the measure. The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Did the Senator ask for the yeas and nays on the motion to table?

Mr. SYMMS. The yeas and nays were ordered. So we ask for the yeas and nays on the motion to table.

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered on the amendment, not the motion to table.

Mr. SYMMS. On the motion to table, Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. There being no further debate, the question is on agreeing to the motion of the Senator from New York. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 44, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—53

Adams	Fowler	Nickles
Akaka	Garn	Pell
Baucus	Gorton	Pressler
Bentsen	Gramm	Reid
Biden	Harkin	Rockefeller
Bradley	Inouye	Roth
Brown	Jeffords	Rudman
Burdick	Kennedy	Sanford
Byrd	Kerrey	Sarbanes
Chafee	Kerry	Simon
Craig	Kohl	Simpson
Cranston	Lautenberg	Smith
D'Amato	Leahy	Stevens
Dixon	Lieberman	Symms
Dodd	Mikulski	Wallop
Domenici	Mitchell	Wellstone
Durenberger	Moynihan	Wirth
Exon	Murkowski	

NAYS—44

Bingaman	Glenn	Mack
Bond	Gore	McCain
Boren	Graham	McConnell
Breaux	Grassley	Metzenbaum
Bryan	Hatch	Packwood
Bumpers	Hatfield	Riegle
Burns	Heflin	Robb
Coats	Helms	Sasser
Cochran	Hollings	Seymour
Cohen	Johnston	Shelby
Conrad	Kassebaum	Specter
Danforth	Kasten	Thurmond
Daschle	Levin	Warner
Dole	Lott	Wofford
Ford	Lugar	

NOT VOTING—3

DeConcini	Nunn	Pryor

So the motion to lay on the table the amendment (No. 358) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order.

Mr. MOYNIHAN. Mr. President, we are now in the final hours of our deliberation, and I do not mean to extend them.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, we are now in the closing hours of our deliberations. I expect we will be through before long. I do not mean to prolong that process. But at the risk of being repetitive, and sometimes there is no alternative to being repetitive, may I point out that just now, by the narrowest of margins, we refused to accept a measure which went absolutely against the spirit of this legislation.

And could we have order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate will come to order.

Mr. MOYNIHAN. Had we adopted this measure, Mr. President, there would have been no honorable course but to have the bill recommitted, it was so absolutely at odds with the spirit of this legislation.

My comanager, Senator SYMMS, said that the President would surely veto the measure. He had been told it would be vetoed. And it would have been right. This was a return to free money, which is exactly the disease that has produced our present situation.

At least 15 Senators came to me on the floor and said: My highway department has just called to say vote for this. Of course, they did. How can you say no to free moneys? Yet, it is our job to do that. Do not blame the highway departments. For 30 years or 35 years, they have lived on 90–10 moneys with no responsibility, no accountability. Productivity died and quality dropped off.

But the arrangements went on. The moneys flowed, and that became the end of the system, just to get the Federal money. What you did with it did not make any difference. And here my comanager nods in resigned agreement.

Has no one heard anything we have said? Has no one read the principles of the legislation? They are upright, on one page, and very simple. It was a very close thing—53 votes. I hope the highway departments are hearing us. I wish that Secretary Skinner and Dr. Larson were here. But they are necessarily absent. They could explain this matter.

We survived, and we will go on with the rest of the day. I thank, once again, my stalwart companion from the Rocky Mountains.

The Senator from Florida is going to offer an amendment, which we look forward to.

AMENDMENT NO. 359

(Purpose: To provide for the utilization of the most current census data in certain laws related to the environment and public works)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself, Mr. GRAHAM, Mr. SANFORD, and Mr. HELMS, proposes an amendment numbered 359.

Mr. MACK. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 22, after line 21, insert the following: "*Provided*, That the Secretary shall use estimates prepared by the Secretary of Commerce to determine the population figures of the individual States for the fiscal years 1987, 1988, 1989, 1990, and 1991: *And provided further*, That those estimates shall be used to distribute apportionments under this section.".

Mr. MACK. Mr. President, I can share the frustration expressed by the Senator from New York about whether anybody has heard anything that has been said, in the sense that the amendment that I am offering today, along with Senator GRAHAM of Florida, Senator SANFORD, and Senator HELMS, deals with a population issue. This is an issue that I have talked about over and over and over again. I suggest that before this session of Congress is complete, I will probably talk about it over and over again.

The issue has to do with basic fairness. As I understand the present legislation that is before us, the so-called underlying formula has a portion of that formula which is based on population, and it is that roughly 15 percent of the allocation of dollars will be based on population census information.

The troubling part about it is that we are using 1980 census information to make a determination about how funds will be divided up between 1992 and 1996. Let me say again, so that everyone understands. I am talking about the fact that 1980 census information will be used in allocating highway resources, not in 1982 or 1984 or 1986 or 1988. But that 1980 census information will be used to calculate how we will divvy up highway funds in 1992, 1993, 1994, 1995, and 1996.

I just make the charge that that is just blatantly unfair. The charge is going to be made that I am going to try to change the formula. I am not trying to change the formula at all—although I would love to see it changed.

What this amendment does is say if you are going to use the formula which was identified, the formula that was used for 1986 through 1991, it is only fair you use current census data in that formula.

Why does it make a big difference to me? Why does it make a big difference to my State and to the people of the State of Florida? I will tell you why. In 1980, there were 9,700,000 people living in the State of Florida. In 1990, there were 12,937,000. In 1991, it is estimated to be at 13,261,000 people.

Mr. President, I once again contend that basic fairness would say that if you are going to have a formula in which there is going to be consideration for population data, we should use the most current census data available. And that data is, in fact, available. I ask that we use it in 1992, 1993, 1994, 1995, and 1996.

There is also going to be a charge that there is going to be a massive transfer of resources from one State to another. Well, we ran some figures based on 1990 only, and if you use 1990 for that 5-year period as an average, we can only come up with a transfer from State to State totaling, for all 50 States, approximately $80 million. Eight million out of roughly a $120 billion, 5-year highway program. This is not a massive amount of money. What we are asking here is just for some basic fairness, and to use updated census information that is already available.

So again, Mr. President, I ask that my colleagues support this amendment. It is straightforward; it does not undermine the basic formula. It merely says that if you have chosen to use a formula in which there is population as a part of that equation, you should use current census information to do that.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I find myself in an unusual position this morning of standing on the floor opposing amendments from two of my comrades in arms on most issues: The distinguished Senator from Mississippi, and now the distinguished Senator from Florida.

Just to bring everybody up to date on how this was arrived at, the committee decided in coming out with the formula that we would try to hold harmless all States and give States basically as much as they had been getting. No matter how this was decided, no matter what method was used, someone is always going to be unhappy with the highway formula.

The Senator from Florida brought two amendments in to deal with this issue. The committee accepted part of his amendment, which deals with population internally in the State, and with the MPO's, and that will be accepted in the committee amendment.

So he has gained already; he has gotten half a loaf, and it will be part of this bill. But I think what all Senators need to recognize is that we now generally have an idea where we are with the bill. The bill has been before the Senate for nearly 2 weeks now. We had the bill in the committee with the Federal Highway Administration pounding out all kinds of numbers.

But with respect to the Mack census-data amendment, if we change this now, there are no tables regarding the effect on apportionments. We do not have a table on population changes in the eighties. Thirteen States either lost population or gained population at a rate lower than the national average, which is 9.8 percent. There may be certain evidence regarding which States win and which States lose under the Mack amendment. We do not know that, but my guess would be that the 13 States will lose money if the Mack amendment is adopted.

The reason we did not change the basic formula from the past in this bill is that it always turns out the way Senators vote, they vote based on what their State gets. The bottom line is how much money do they get. We have seen that on the last two amendments. Senators walked on the floor on the Lott amendment—they know that the President is probably right on his leverage position with respect to trying to encourage more State participation, more county participation, more city participation, more people participation in funding the crumbling infrastucture. The President wants to lever them to do it. Senators know that. They say, yes, he is probably right in policy. But somebody calls from the home State and says, in this one amendment that was offered, in this case the Lott amendment, our State would tend to get x number of dollars more. I hope you will vote for it. They pay no attention to the principle; they simply vote on the way the numbers look. As Senator MOYNIHAN said, we have already lost what the thrust of what we are trying to do with this bill is, to improve productivity, improve efficiencies in transportation in this country.

So I think we have spent a week and half, as I say, haggling over the distribution of funds, and, if Members adopt this motion by the Senator from Florida—I cannot support it because it has so much uncertainty; I do not know what it will do. So at the appropriate time—I do not want to cut off any debate—it is my intention, on behalf of myself and Senator MOYNIHAN, to offer a motion to table this. This will totally disrupt what we have done.

Before I do that, I want to say, to my best guess and the best guess of the committee staff, the following States will lose money if the Mack census amendment is adopted and becomes part of the bill: Alabama, Arkansas, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, West Vir-

ginia, Wisconsin, and Wyoming. That is the best estimate I can give the Senate.

Does the Senator have more debate he wants to do? I do not want to cut him off in any way.

Mr. MACK. Mr. President, I wish to make a few remarks.

Mr. SYMMS. I yield the floor, Mr. President.

Mr. MACK. Mr. President, I just want to make a few remarks in response to the Senator from Idaho.

First, the Senator just read a list of those States he believes will be losers if my amendment were to be agreed to. I take the approach of saying that any State that experienced growth during the past 10 years, and there are 40 States, regardless of how small that growth might be, if they do not support this amendment, the growth in population in their State is not going to be taken into consideration in the basic formula. So I ask Senators to think twice if you heard the name of your State called out on that list that was just read by the Senator from Idaho.

Mr. SYMMS. Mr. President, will the Senator yield on that point?

Mr. MACK. I am glad to yield.

Mr. SYMMS. Forty States grew, but they grew less than the national average.

Mr. MACK. I did not say they did not.

Mr. SYMMS. Many grew less than the national average. The ones I mentioned either grew less than the national average—the national average was almost 10 percent in the country. Any State that grew 5 or 6 percent, in my opinion, if they accept the Senator's amendment, would tend to fall below the national average, and they would lose funds.

Mr. MACK. I understand the point the Senator is making. I am merely making the point, and I think the Senator will have to agree with this, that, clearly, if this amendment is not accepted, any State, regardless of the amount of growth they experienced, that growth will not be taken into consideration under the formula that is being used. I do not argue the point the Senator has made.

In addition, with respect to the amendment that was previously defeated but came relatively close to passage, it makes sense that the Senate almost adopted the amendment. Why would any of us go back home and ask our States to put up more money to gain matching dollars when we are not getting back what we put into the fund? I think is a clear recognition of the reason the amendment was almost adopted. It is another indication of the unfairness of this formula. It was bad enough for the last 5 years, but to now have to operate for the next 5 years with a formula, that clearly does not take into effect population increase, let alone the number of highways built in the State. Florida for example, is the second State in the Nation with respect to its commitment to highways when you count in all the factors, not just gasoline tax, diesel fuel. What about licensing fees, what about registration fees, and so forth?

So, again, I make the argument, while I appreciate the committee's accepting the other amendment I offered, this amendment clearly goes to the allocation of scarce resources. It is a question of fairness, it is a question of whether you are going to use current census data and whether you are going to use 1980 census data to make a decision about the allocation of resources in 1996. The information is available, and I would encourage the Senate to use it.

I yield the floor.

Mr. SANFORD. Mr. President, I am very pleased to be a cosponsor of the Mack-Graham amendment which authorizes the use of the 1990 census figures when distributing base apportionments for Federal-aid Highway Programs under the Surface Transportation Efficiency Act.

The very idea that without the acceptance of this amendment we would be allocating Federal highway funds based upon the 1980 census data is not only alarming but illogical. The population of my home State of North Carolina increased by nearly 13 percent in the 1980 decade. To even consider not adjusting the current formulas to reflect such an extreme growth is absurd.

Without this amendment we will be using the 1980 census in allocating highway resources until 1996. The growth rate for my State is expected to continue to grow into the 1990 decade. We cannot be tied to not only an outdated formula, but also outdated census figures in allocating highway funds. Where is the logic or the fairness in this practice?

I urge my colleagues to support our efforts to change the current formula to at least reflect the current census data. As a State's population grows, so too does its transportation needs and its highway maintenance needs. It makes good sense and good policy to ensure that the legislation we pass will utilize the most recent census information. To ignore growth and change in setting long term transportation policy is wrong, and to support maintaining the 1980 census on the basis that your State fares better under an old census figure is like wishing you could turn back time and live in the past. We must move forward with this legislation, we must ready ourselves for future progress and growth.

I hope that the good sense of this body prevails and that my fellow colleagues will support this amendment.

The PRESIDING OFFICER (Mr. ROBB). Who seeks recognition?

Mr. SYMMS addressed the Chair.

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

Mr. SYMMS. Mr. President, if there are no other Senators seeking recognition, on behalf of myself and Senator MOYNIHAN, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SYMMS. 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. 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, I renew my request for the yeas and nays on the motion to table.

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 Idaho to lay on the table the amendment of the Senator from Florida. 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 Arizona [Mr. DECONCINI] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—63

Adams	Durenberger	Lieberman
Baucus	Exon	Lugar
Bond	Ford	McConnell
Boren	Glenn	Metzenbaum
Bradley	Gore	Mikulski
Breaux	Grassley	Moynihan
Bumpers	Harkin	Nickles
Burdick	Hatfield	Packwood
Burns	Heflin	Pell
Byrd	Inouye	Pressler
Chafee	Jeffords	Riegle
Coats	Johnston	Rockefeller
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Specter
Daschle	Kohl	Symms
Dixon	Lautenberg	Wallop
Dodd	Leahy	Wellstone
Domenici	Levin	Wofford

NAYS—35

Akaka	Garn	Mitchell
Bentsen	Gorton	Murkowski
Biden	Graham	Nunn
Bingaman	Gramm	Reid
Brown	Hatch	Robb
Bryan	Helms	Roth
Cochran	Hollings	Rudman
Cranston	Lott	Sanford
Dole	Mack	Sarbanes
Fowler	McCain	

Seymour	Stevens	Warner
Smith	Thurmond	Wirth

NOT VOTING—2

DeConcini	Pryor

So the motion to lay on the table the amendment (No. 359) 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.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 360

Mr. MOYNIHAN. Mr. President, we are approaching third reading, and we have a committee amendment which I will send to the desk on behalf of the managers of the bill, the Senator from Idaho and myself, 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 himself and Mr. SYMMS, proposes an amendment numbered 360.

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:

At the appropriate place in the bill, insert the following new section:

SEC. . NATIONAL POLICY FOR INFRASTRUCTURE REUSE.

(a)(1) STUDY AND REPORT.—(1) Section 307 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) Not later than 12 months after the date of the enactment of the Surface Transportation Efficiency Act of 1991, the Secretary shall conduct a study of methods of facilitating the reuse of industrial manufacturing facilities.

"(2) In conducting the study described in paragraph (1), the Secretary shall consult with the heads of such departments and agencies of the Federal Government as the Secretary determines to be appropriate to ascertain regulatory, technical and other problems or constraints associated with the reuse of industrial manufacturing facilities.

"(3) Upon completion of the study described in paragraph (1), the Secretary shall submit a report to the appropriate committees of Congress on the findings of the study, including a summary of any information submitted to the Secretary by the head of a department or agency pursuant to paragraph (2).

"(4) For fiscal year 1992, an amount not to exceed $200,000 shall be taken out of the administration and research funds authorized by section 104 of this title for the purpose of carrying out the provisions of this subsection.".

(2) Section 104 of title 23, United States Code, is amended by striking "authorized by subsections (a) and (b) of section 307" and inserting "authorized by subsections (a), (b), and (g) of section 307".

On page 49, lines 18 through 25, strike "All provisions" and everything that follows and insert in lieu thereof "Sums".

On page 37 of the bill, at the end of section 111, add the following new subsection:

"(e) INDIAN RESERVATION ROADS.—Notwithstanding any other provision of law, funds allocated for Indian reservation roads may be used for the purpose of funding road projects on roads of tribally controlled postsecondary vocational institutions.".

At page 25, line 13 add a new paragraph (4) as follows:

"(4) pursuant to this subsection projects which research, develop and test technologies to control highway related emissions which contribute to the nonattainment of any ambient air quality standard or the impairment of visibility within an urbanized area within the state shall be deemed to be eligible projects."

At page 57, line 7 add a new paragraph (6) as follows:

"(6)(a) The Secretary in cooperation with other appropriate federal agencies, the Governors of Arizona, California, New Mexico and Texas, and the appropriate representatives of the Republic of Mexico, shall assess the need for transportation infrastructure to facilitate trade between the United States and Mexico. Within 18 months following the date of the enactment of this Act, the Secretary shall report to Congress and the Governors of Arizona, California, New Mexico and Texas on such transportation infrastructure needs and the associated costs."

(b) The Secretary in cooperation with other appropriate federal agencies, the Governors of Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, Washington, and Alaska and the appropriate representatives from Canada, shall assess the need for transportation infrastructure to facilitate trade between the United States and Canada. Within 18 months following the date of the enactment of this Act of the Secretary shall report to Congress and the Governors of Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, Washington, and Alaska on such transportation infrastructure needs and the associated costs.

On page 19, between lines 17 and 18, insert the following:

"(c) For purposes of paragraph (1)(A)(i) and paragraph (6) of subsection (b), the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 22, between lines 21 and 22, insert the following:

"(D) For purposes of subparagraph (C), the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 26, line 3, before the period insert the following: ": *Provided further*, That the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 51, between lines 15 and 16, insert the following:

"(h) For purposes of subsections (b) and (e), the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 77, line 2, before the quotation marks, insert the following: "For purposes of this subsection, the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

Insert at the appropriate place in title I:

SEC. . DECLARATION OF NONNAVIGABILITY OF PORTION OF HUDSON RIVER, NEW YORK.

(a) DECLARATION OF NONNAVIGABILITY.—

(1) IN GENERAL.—Subjection to subsections (b), (c) and (d), the area described in paragraph (2) is declared to be nonnavigable waters of the United States.

(2) AREA DESCRIBED.—The area referred to in paragraph (1) is the portion of the Hudson River, New York, described as follows (according to coordinates and bearings in the system used on the Borough Survey, Borough President's Office, New York, New York).

Beginning at a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, having a coordinate of north 1918,003 west 9806,753:

(1) Running thence easterly, on the arc of a circle curving to the left, whose radial line bears north 3°-44′-20″ east, having a radius of 390.00 feet and a central angle of 22°-05′-50″, 150.41 feet to a point of tangency;

(2) Thence north 71°-38′-30″ east, 42.70 feet;

(3) Thence south 11°-05′-40″ east, 33.45 feet;

(4) Thence south 78°-54′-20″ west, 0.50 feet;

(5) Thence south 11°-05′-40″ east, 2.50 feet;

(6) Thence north 78°-54′-20″ east, 0.50, feet;

(7) Thence south 11°-05′-40″ east, 42.40 feet to a point of curvature;

(8) Thence southerly, on the arc of a circle curving to the right, having a radius of 220.00 feet and a central angle of 18°-37′40″, 83.85 feet to a point of compound curvature;

(9) Thence still southerly, on the arc of a circle curving to the right, having a radius of 150.00 feet and a central angle of 38°-39′-00″, 101.19 feet to another point of compound curvature;

(10) Thence westerly, on the arc of a circle curving to the right, having a radius of 172.05 feet and a central angle of 32°-32′-03″, 97.89 feet to a point of curve intersection;

(11) Thence south 13°-16′57″ east, 50.86 feet to a point of curve intersection;

(12) Thence westerly, on the arc of a circle curving to the left, whose radius bears north 13°-16′-57″ west, having a radius of 6.00 feet and a central angle of 180°-32′-31″, 18.91 feet to a point of curve intersection;

(13) Thence southerly, on the arc of a circle curving to the left, whose radial line bears north 75°-37′-11″ east, having a radius of 313.40 feet and a central angle of 4°-55′-26″, 26.93 feet to a point of curve intersection;

(14) Thence south 70°-41′-48″ west, 36.60 feet;

(15) Thence north 13°-45′-00″ west, 42.87 feet;

(16) Thence south 76°-15′-00″ west, 15.00 feet;

(17) Thence south 13°-45′-00″ east, 44.33 feet;

(18) Thence south 70°-41′-45″ west, 128.09 feet to a point in the United States Pierhead Line approved by the Secretary of War, 1936;

(19) Thence north 63°-08′-48″ west, along the United States Pierhead Line approved by the Secretary of War, 1936, 114.45 feet to an angle point therein;

(20) Thence north 81°-08′-00″ west, still along the United States Pierhead Line approved by the Secretary of War, 1936, 202.53 feet;

The following three courses being along the lines of George Sollan Park as shown on map prepared by the city of New York, adopted by the Board of Estimate, November 13, 1981, Acc. N° 30071 and lines of property leased to Battery Park City Authority and B.P.C. Development Corp.

(21) Thence north 77°-35′-20″ east, 231.35 feet;

(22) Thence north 12°-24'-40" west, 33.82 feet;

(23) Thence north 54°-49'-00" east, 171.52 feet to a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941;

(24) Thence north 12°-24'-40" west, along the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, 62.28 feet to the point or place of beginning.

(b) DETERMINATION OF PUBLIC INTEREST.—The declaration made in subsection (a)(1) shall not take effect if the Secretary of the Army (acting through the Chief of Engineers), using reasonable discretion, finds—

(1) before the date which is 120 days after the date of the submission to the Secretary of appropriate plans for the proposed project, and

(2) after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed project is not in the public interest.

(c) LIMITATION ON APPLICABILITY OF DECLARATION.—

(1) AFFECTED AREA.—The declaration made in subsection (a)(1) shall apply only to those portions of the area described in subsection (a)(2) which are or will be occupied by permanent structures (including docking facilities) comprising the proposed project.

(2) APPLICATION OF OTHER LAWS.—Notwithstanding subsection (a)(1), all activities conducted in the area described in subsection (a)(2) are subject to all Federal statutes and regulations which may otherwise be applicable to such activities, including as may be applicable.

(A) sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), commonly known as the River and Harbors Appropriation Act of 1899,

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1254), and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—The declaration made in subsection (a)(1) shall expire—

(1) on the date which is 6 years after the date of enactment of this Act if work on the proposed project to be performed in the area described in subsection

(a)(2) is not commenced before that date, and

(2) on the date which is 20 years after the date of the enactment of this Act, for any portion of the area described in subsection (a)(2) which on that date is not bulkheaded, filled, or occupied by a permanent structure (including docking facilities).

(e) PROPOSED PROJECT DEFINED.—For purposes of this section, the term "proposed project" means any project for the rehabilitation and development of—

(1) the structure located in the area described in subsection (a)(2) and commonly referred to as Pier A; and

(2) the area surrounding that structure.

On page 162, add after line 9 the following new part:

PART D—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

SEC. 161. RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION.

Section 213(c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) is amended by inserting "and the Rural Electrification Administration" after "Tennessee Valley Authority".

On page 3, insert immediately after the matter before line 1 the following:

PART D—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

Sec. 161. Relocation assistance regulations relating to the Rural Electrification Administration.

Mr. MOYNIHAN. Mr. President, in the manner of committee amendments, these have been agreed. We are prepared to make a full explanation if anybody would like.

First is a technical amendment to the Commerce Committee title to correct budgetary problems. All Senators do know that we have a bill that merges the work of the Committee on Environment and Public Works and the Committees on Commerce and Banking.

The second amendment is a study regarding the further beneficial reuse of industrial facilities which Mr. JEFFORDS offers on behalf of the Northeast-Midwest Senate Coalition.

A third amendment ensures that Indian reservation roads that provide access to postsecondary educational institutions are eligible for Federal funds, as indeed they ought be.

A fourth amendment ensures research and development expenses are eligible under the congestion mitigation and air quality improvement program. Research is exactly what we are after. How do we solve this problem we obviously have created in our cities? If it were simple, it would have gone away by now.

A fifth amendment provides for the study of the need of transportation infrastructure to facilitate trade between the United States, Canada, and Mexico.

A sixth amendment will ensure the 1990 census data be used in determining the population of States in metropolitan areas.

There is also a declaration of nonnavigability in lower Manhattan harbor, a technical amendment by the Corps of Engineers, and an amendment cleared by the Governmental Affairs Committee regarding the Uniform Relocation Assistance Act and rural electrical cooperatives.

Mr. NUNN. Will the Senator yield for a brief question? Is the REA amendment in there?

Mr. MOYNIHAN. Yes.

Mr. NUNN. I thank the managers for agreeing to that amendment.

Mr. President, I rise to support a committee amendment cosponsored by Senators FORD and FOWLER that would provide an exemption to title III of the Uniform Relocation Act of 1970 for the Nation's rural electric and telephone cooperatives.

In 1987, Congress passed, as an amendment to the highway reauthorization, amendments to the Uniform Relocation Act to ensure that all programs funded by Federal dollars followed the same rules in acquiring property from individual property owners. Although the rural cooperatives have no record of disputes with property owners or of the kind of property acquisition practices that the Uniform Act is intended to prevent, the Department of Transportation interpreted the statute in such a way as to bring the co-ops' activities under the regulation of the act.

Under the Uniform Relocation Act regulations issued in 1989, the rural electric cooperatives must undertake a number of notification and appraisal procedures which will impose a substantial financial burden on what are nonprofit organizations. According to estimates from several co-ops in the State of Georgia, implementation of these regulations could run as high as $500,000 in the first year.

If we had been contacted by landowners who had suffered abuses by rural electric co-op property acquisition policies the need to include the co-ops under the Uniform Act regulations would be clear. As it stands however, their inclusion represents unnecessary regulation.

It should also be observed that the treatment of the rural electric cooperatives is unique under the Uniform Relocation Act. Other public utilities are not required to observe these regulations and an exemption identical to the one we are proposing is already in effect for the Tennessee Valley Authority. Our amendment simply extends the same exemption to the co-ops.

As a member and customer of an electric cooperative in Georgia, I can testify to the good relations those organizations maintain with their communities. I ask my colleagues to support this important relief measure for the Nation's electric co-ops.

Mr. JEFFORDS. Mr. President, in my home State of Vermont, manufacturing jobs are scarce. Vermont is also in the middle of a recession, so the remaining jobs we have are even more valuable. Recently, one Vermont town had the opportunity to add more jobs to their community. A wooden toy manufacturer wanted to locate in their community. A building suitable for his operation already existed. This building formerly housed a scientific equipment company.

Unfortunately, these jobs were not to be. The previous occupant contaminated part of the building and grounds. The prospective buyer wanted to buy the facility, but also wanted to ensure that he would not be liable for the past contamination. While I understand that procedures do exist to provide a new owner with a shield from liability, these procedures are seldom used. When used, they involved lengthy negotiations and studies. The prospective manufacturer did not have the time or the money for this. He located elsewhere.

It seems to me, Mr. President, that our current policies represent a scorched earth philosophy. Rather than reuse existing manufacturing sites, we

move on to develop new ground, new plants which require more roads, more highways, in short, more development. Meanwhile, the old plants fall to the ground in disrepair, and workers are left unemployed in their hometowns without the money to move to the new factories. The existing infrastructure should be considered a national resource, not a national waste. We should think of industrial reuse as an opportunity for recyling and waste reduction.

I thank my colleagues for including my request for a study of this problem in a package of amendments. This study will start us looking at this problem. While there are environmental constraints to reuse, I believe there are also other constraints which need to be identified and addressed. The study should accomplish this goal. The Secretary of Transportation should be a neutral party and thus an excellent choice to examine this problem. The Secretary can also use this study to address how we can reduce the need for new highways, new infrastructure by reusing our existing infrastructure. Again, I thank my colleagues for their support.

Mr. MACK. Mr. President, today I am offering an amendment to authorize the use of the most recent census data when distributing funds under S. 1204.

I have identified four programs in the committee bill whose financial impact is determined by a State's population. Currently, the census data used to distribute these funds would only be based on the 1990 census. My amendment would ensure the use of the most current data available to distribute these funds between fiscal year 1992 and fiscal year 1996.

My amendment authorizes the Secretary of Transportation to use updated census information when calculating funds in these four provisions of the Surface Transportation Efficiency Act.

The first program my amendment addresses is the Surface Transportation Program, which designates two types of nonattainment regions in each State according to population size. This distinction is made by determining which regions contain areas with populations of 250,000 or greater and urbanized area populations of 50,000 that are in nonattainment for ozone or carbon monoxide.

Another section deals with the distribution of funds under the new Congestion Mitigation and Air Quality Improvement Program. For this program, funds will be apportioned to States based on their nonattainment area population. Similarly, the establishment of an Energy Conservation, Mitigation, and Clean Air Bonus Program uses population figures in its efforts to reward those States which effectively manage growth.

The establishment of metropolitan planning organizations in urbanized areas is another provision in S. 1204 where updated census data is needed. In this section, transportation planning and metropolitan area boundaries would be more accurately determined by using the estimates proposed in my amendment.

Last, in the section dealing with program efficiencies, the Secretary is authorized to permit the highway department of a city of over 1 million people to perform the duties of the State highway department for projects undertaken within the city.

I urge my colleagues to support this amendment which simply seeks to use current census data so that highway funds are fairly distributed.

Mr. McCAIN. Mr. President, I want to thank the Senator from New York and the Senator from Idaho for their hard work and leadership on this vital legislation.

Our Nation demands efficient and dependable transportation systems. Mobility keeps our economic engines turning in high gear, enhances our national defense capabilities and, most importantly, provides the American people with the opportunity to enjoy the freedoms we hold so dear.

While no bill is perfect, this legislation will enable us to maintain and improve our highway systems and to meet the demands of the postinterstate era with greater efficiency. I thank the managers for their diligence and commitment.

Mr. President, I have two amendments to this legislation which I believe have been cleared by both sides. I would like to take this opportunity to describe them briefly.

The first amendment seeks to provide States with greater flexibility under the Congestion Mitigation and Air Quality Improvement Program authorized by the commitee bill.

Specifically, the amendment enables States to use funds allocated under the program to research, develop, and test technologies to control highway related pollution sources. Last year's debate on the Clean Air Act underscored the dramatic link between our transportaion sector and the urban air quality problems which plague cities across the country.

My amendment will make funds available to develop new solutions to carbon monoxide, ozone, and particulate pollution caused by inadequate vehicle, road, and traffic control systems. Today's investments in research and development will result in cleaner air and better modes of transportation for tomorrow. Clearly States should have the discretion to make such research investments under the Air Quality Improvement Program.

In addition, the amendment will enable States to address the urban brown cloud syndrome.

I come from a very beautiful State, Mr. President. Unfortunately in the Phoenix and Tucson areas, the major population centers in Arizona, that beauty is marred by a haze of pollution which shrouds the urban skyline known as the brown cloud.

Interestingly, the brown cloud does not necessarily violate any national ambient air quality standards, including the standard for particulate matter referred to as P-M-TEN. Nevertheless it is a chronic problem of great concern to the people of Arizona, and one we are determined to solve.

Recently, the Arizona Department of Environmental Quality completed a $1 million study to determine the makeup of the brown cloud. The study found that "typically more than 50 percent, as much as 90 percent, of the urban haze in the Phoenix and Tucson areas is caused by vehicular activities."

Auto and diesel truck tailpipe emissions, dust from paved and unpaved roads, rubber particles from tires and brake pad fragments all contribute to the problem.

The amendment will enable Arizona and States which face similar circumstances to develop and demonstrate new and creative solutions to visibility problems, not just carbon monoxide and ozone nonattainment. Such solutions might include improved road construction methods and materials, more effective highway applications to control dust and advanced auto and diesel truck emission control technologies.

Hopefully, with the help of the funding provided under this legislation we can find the means to replace brown clouds with blue skies.

My second amendment, Mr. President, has been worked out with the distinguished Senator from New York. It will require the Secretary of Transportation to assess the need for transportation infrastructure to facilitate trade between the United States and Mexico and the United States and Canada.

As my colleagues know, we are involved in intense negotiations to bring about a free trade agreement with our neighbors to the South. If an agreement is successfully concluded, we can look forward to the benefits of increased trade between the United States and Mexico. Just as we are enjoying improved trade with our Canadian neighbors following the pact signed in 1987.

Increased economic activity is certain to place growing demand on the transportation systems and other infrastructure along our international boundaries. Planning is essential if we are to accommodate and facilitate the increased flow of international commerce in a safe and efficient manner.

The amendment requires the Secretary of Transportation to conduct a needs assessment and cost analysis of border transportation infrastructure. The Secretary will conduct this work in cooperation with other Federal

agencies, the Governors of the border States, and the appropriate Mexican officials.

A final report detailing the findings of the assessment will be submitted to Congress and the border States within 18 months after enactment of this legislation. This report will serve as a project and budget planning document for Federal agencies, as well as the border States, counties and municipalities.

It is my hope that Mexican and Canadian authorities will participate fully in this process so that improvements and preparations can be made on both sides of the border. This will enable our nations to fully enjoy the benefits of increased trade and closer relations. I am pleased to have developed this amendment in cooperation with Senator MOYNIHAN, and I thank him for his contribution.

These are modest but, I believe, important amendments, and I urge their adoption.

Again, I thank the managers of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, the manager of the bill explained the amendments. We have cleared all of them on this side.

Mr. President, if there is no further debate, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 360) 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, we have now reached the point, as the distinguished floor manager said, where we think all amendments—except for one amendment Senator DOLE has been talking about offering and one amendment I think Senator HELMS wants to come to the floor and discuss, or possibly offer an amendment with respect to portions of the interstate. I do not know if either of those amendments are actually going to be offered.

But I believe we have reached a point where we are, as the floor manager said, actually ready to go to third reading.

In my opinion, we will have passed a bill when we do go to third reading, and assuming Senators to vote for the bill, that is a very good solid bill that has maintained its framework from when it left the committee. It gives great flexibility for the State departments of transportation throughout the country; it addresses some of the major concerns the President had in his State of the Union Message 105 days ago.

We have amended our committee bill to include a national highway system, which was very important to the President. We have encouraged more State participation in this bill through the formulas in the bill. It did not go as far as the Secretary of Transportation asked for in the beginning, but it did make a step in the direction of more State participation, which brings better leverage on Federal dollars that are spent.

Also, the Byrd-Dole—if I can say it that way—position of asking for more rewards to States that make a better effort is already included in this bill, and I think it will be further considered when we go to conference with the other body.

I think all in all it is an excellent bill.

I might also mention to my colleagues the amendment this Senator offered with respect to private property is something that had a very good vote on the floor. It is an issue that has become very volatile throughout the country. There is enormous support for that amendment in the bill, and I thank my colleagues for their support.

Mr. President, I want to thank all of my colleagues, but particularly the majority leader and the Republican leader and the chairman and ranking member of the committee, Senators BURDICK and CHAFEE.

I just note, Mr. President, our distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, is celebrating his birthday today, so I can think of no finer present than to pass this bill.

Mr. MOYNIHAN. Will the Senator yield?

Mr. SYMMS. I will be happy to yield on that.

Mr. MOYNIHAN. Is the Senator aware that the senior Senator from North Dakota has decreed he does not any longer have birthdays? This is an honorary birthday.

Mr. SYMMS. It is an honorary birthday, and I can say this sure beats the alternative to him not having birthdays.

I want to pay special thanks to the senior Senator from New York [Mr. MOYNIHAN] for his tireless efforts on this bill and his willingness to work out formulas that recognize the wide differences in the States. Many people say how can a Senator from Idaho and a Senator from New York agree on a bill. The reason for it is I think both of us have great confidence in the States to make the decisions of how best to spend their transportation dollars, their highway dollars, to improve deficiencies.

Mr. President, I have had many friends in town over the years that I have been on this committee, from ARPA, from Associated General Contractors, the Lime Institute, the Stone Association, and others—the Asphalt Institute, the Cement Association—who are very interested in highway legislation and have expressed concerns about the potential for diversion of funds in this bill to light rail systems or to rail systems.

I point out to my colleagues one thing I think will happen—it is not ever mentioned, but the Banking Committee section of this bill also has the same flexibility that conforms with the language that is in the highway section of the bill. They made it the same as we did, where funds can be transferred into some highway uses if that is the way States choose to use them. It is true there will be less funds available because most of those transit funds go to States that have big transit authorities. But the potential is there.

I also say to my colleagues who are concerned about this, and my friends in the associations—and I thank those organizations I named for their help in getting this legislation to where it is. Even though there has been some lukewarm support from some of those associations, they have been very helpful with the adoption of amendments. They have been very helpful in bringing about the National Highway System that is in this bill.

I see the distinguished Presiding Officer, who comes from the State of Virginia. I point out to my colleagues that the HOV lanes on the Shirley Highway carry more traffic on them than any major rail transit system in the United States except for the New York Transit Authority. That is an astounding fact.

In my judgment, for those people who are the road builders of the country, who are concerned that maybe some of their highway funds will be diverted to rail systems, I think the rubber-tired solution, as it is called, is stacking up very well to what has happened in northern Virginia. It is happening in Houston, TX.

There is not any guarantee of just how these funds will be spent, that is true. But in my judgment, that is exactly what the people in my State—Kermit Kiebert and Hugh Lydston and others in the State Department of Transportation in Idaho—have been asking for, more flexibility so they can decide how best to spend these funds now that the interstate system is completed.

That is essentially what the Senator from New York has said over and over and over on the floor. We are giving the States flexibility. I see no reason why any Senator should fear giving States flexibility. If we have any confidence in the people we represent—and obviously we have enough confidence in them that they have given us the opportunity to represent them. We think they must have sound judgment.

I believe that in my State or in the State of New York or in the State of

Texas and other States, given the flexibility, we will recognize the market value of the wasted time of people sitting in gridlock, in traffic congestion. We also recognize in the program efficiencies of this bill that many departments of transportation have the capability to reduce the paperwork and redtape. It is all in this bill. I think this is a bill of which people can be very proud.

There are a couple of problems in this bill, as far as I am concerned. One of these problems—and I have talked about this with my distinguished leader on the floor—are the MPO's. The committee started out with a 50,000 population group for MPO's. We raised it in the committee to 250,000. There is substantial support in the other body to raise that number somewhat higher.

The major cities in the country, like New York City, Los Angeles, and other large metropolitan areas, have very substantial engineering capability to handle some of those transportation difficulties. It becomes more questionable, I think, in the smaller sized cities, where the States have the ability through the State departments of transportation to take care of those problems.

I think we can still look at this and work on it, and maybe try to come to even more accommodation with some of the concerns expressed by some of our colleagues.

I want to say thank you to all of the Senators, and I hope we will be able to bring this bill to passage very shortly today.

Mr. GRAHAM addressed the Chair.

Mr. SYMMS. I will be happy to yield to my friend for a question.

Mr. GRAHAM. I have been listening to the Senator's statement for the last few minutes. Does the Senator disagree with the position of the Federal Highway Administration that we currently have an unfunded backlog of maintenance and capacities needs in our Federal aid highway system of $450 billion?

Mr. SYMMS. I would have to say to the Senator I do not have the figures right here, but I think there are large unmet needs yet to be dealt with in this country.

Without this bill, we are way worse off, I would say to my colleague, than we are with this bill.

Mr. GRAHAM. Does the Senator disagree with the Federal Highway Administration's statement that over the next 5 years, we will add to that inventory of needs $225 billion?

Mr. SYMMS. That may be the case. I do not have the numbers here. But there are large unmet transit and transportation needs in the country, yes.

Mr. GRAHAM. Will the Senator agree that the sum of those numbers is $650 billion of unmet highway needs on the Federal aid highway system itself in the year 1996, assuming we do nothing between now and 1996?

Mr. SYMMS. If we do nothing, it might even be worse than that.

Mr. GRAHAM. Second, what is the proposed level of expenditure under this bill?

Mr. SYMMS. The proposed level of expenditure, Mr. President, I might say is, I believe, $110 billion.

Mr. President, I continue——

Mr. GRAHAM. Can I finish the question?

The PRESIDING OFFICER. The Chair would remind Senators to direct comments through the Chair.

Mr. SYMMS. Mr. President, I will yield to the Senator for one more question. I do want to complete my statement.

Mr. GRAHAM. If we are going to be spending $110 billion of Federal funds, and if that will draw down approximately another $40 billion of required State matching, that is $150 billion, which would indicate that our unmet needs at the end of the 5-year period would be $525 billion, as opposed to the $450 billion that we have today.

Will the Senator, therefore, not agree that rather than this bill advancing our Nation's highway system and achieving the goals of efficiency and rate of service, in fact the system will be $75 billion worse off in 1996 than it is today?

Mr. SYMMS. What I would say is compared to what?

Mr. President, I might just continue my remarks. I appreciate what the Senator from Florida is saying, essentially, and I have heard him say it on the floor that at the end of the 5-year cycle of this bill, at the rate we are going, the roads will be in worse condition than they are today. That may well be the case, but compared to what?

If we expend no effort and pass not this bill nor any other bill, and just return the money back to the general fund of the Treasury, and continue to expand the bureaucracy and the welfare state in this country, to strangle small business then we will be worse off. If we do go ahead and spend the money that we are allocating and trying to get the matchup in the States, we will actually be better off than we would be if we do nothing.

So I think it is a question of whether the glass is half empty or half full. There will never be enough money to satisfy the cost estimates that highway engineers will use to fix the roads.

In my own State, the State legislature funded, Mr. President, a study a couple of years ago which concluded that we have $7 billion of unmet highway needs in the State of Idaho alone over the next 10 years—7 billion dollars' worth. For a small State of 1 million population, and the seventh largest State in the Union geographically, with huge mountains and rivers and difficult terrain to build highways, this is an enormous problem. All we can do is the best we can, spending as much money as we can get the public to be willing to appropriate for improving those transportation problems.

To not move forward would, I think, be a travesty to the people of this country. For those of us who are in leadership, I think it would be a travesty if we do not move forward with legislation and work with the other body to try to get a solution to this, to work with the administration and come out with some kind of a compromise, and move forward to try to solve these transportation problems in the country.

We will never solve them, but I would only say to my colleagues who may be critical of this legislation, first, they should ask the question, compared to what? Compared to doing nothing? This is a huge step. This is the biggest spending bill ever passed through the U.S. Senate to improve the Nation's transportation problems. It is the biggest single bill we have ever passed. We are making a big commitment.

I am told that the other body is going to come in with some $25 billion, a substantial increase over what our bill is. I do not know how this will come out. I know one thing; that when this Senator gets the opportunity, and we will, and we go before the Senate Finance Committee to put the other part of this bill together, which at some point in the next 2 or 3 years must be done, this Senator will offer a motion to take the 2½ cents that Congress, in its wisdom, last year put in the general fund and put it back in the transportation trust funds so that the money will be there.

The Senator from Florida makes the point that we are still underfunding the infrastructure. I do not disagree with the Senator from Florida, but I also say that I do not believe that either of the two Senators from Florida will come before the Senate and suggest that what we should do is freeze the cost-of-living adjustments for all those millions of Floridians that are on Social Security and transfer that money into the highways. That is what we are talking about.

During the period of the eighties, as the infrastructure has been underfunded, one portion of the budget that has grown exponentially is the entitlements. We spend more money every year on transfer payments where we take the money from one worker who earns it and send it out to someone else who is on the receiving end of the benefits than at any other time in our history.

So our budgets have become disproportionately reduced in capital expenditures. We have reduced capital expenditures on highways, on water systems, on military, on all kinds of infrastructure. We have reduced the procurement budgets as a portion of the rest of the money we spend. We have

increased the spending that we send out on individual payments, out to individual Americans, with respect to what is called entitlement programs.

Mr. President, I have been going on about this for a long time. Basically, what we have here is an excellent bill. I urge my colleagues' support of the bill. I hope that the majority leader and the minority leader and the distinguished chairman of the Appropriations Committee, the President pro tempore, come to some kind of an agreement so that we can fuse their amendments together, or whatever, and get this bill passed before we start unwinding it over here on the Senate floor; and pass the bill so we can be able to go to the other body and say, "Here is our bill from the Senate. You give us your bill and we will sit down at conference and try to work out something," and not forget the people down at the other end of Pennsylvania Avenue; to try to recognize some of the directions the President has asked us to go; and, have a bill that we will be able to get signed this year, and get on with the problem so we will not fall further behind.

But in the process, Mr. President, I thank all the Senators and my distinguished friend from New York. I would like to also thank the staff, including Roy Kienitz, Rob Connor, Andrew Samet, Mike Weiss, Kathy Ruffalo; my own staff, Jean Lauver, Steve Shimberg, Angela Plott, and Trent Clark, and, also, George Shoener from the majority side, and my own staff, as I said. Without them, this would have been a much, much more difficult task to get this bill this far. I want to give them all a debt of gratitude on both sides of the aisle. They have been very helpful. I have had many Senators, I would say to the staff, come to me and thank me and Senator MOYNIHAN for the willingness of this staff to cooperate with the other Senators to try to iron out their problems.

If there are any other Senators that wish to do anything in this bill, we are getting close to final passage.

I yield the floor, Mr. President.

(NOTE.—The following occurred later in the proceedings and, by unanimous consent, appears at this point in the RECORD.)

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. MITCHELL. Mr. President, and Members of the Senate, I am honored to have this third opportunity to welcome on behalf of the entire Senate a distinguished delegation from the European Parliament.

Led by Chairman Geoffrey Hoon from the United Kingdom, Mrs. Hiltrud Breyer from Germany, and Mr. Philippe Herzog from France, the 24-member delegation is here to meet with Members of Congress and other American officials to discuss matters of mutual concern.

Their visit is part of a longstanding tradition of exchanges between our two legislative bodies, a tradition that represents the deep ties, mutual respect, and commonality of interest between Europe and the United States.

Europe today is a continent of exciting developments—the integration of a single market by 1992, and the continued progress toward consolidating democracy in the formerly Communist nations. These changes auger well not only for the future of the continent, but for the global community as a whole.

For the United States in particular, these hopeful developments warrant our ever closer attention and involvement to ensure the expansion of economic ties with our European partners and to help smooth Eastern Europe's challenging transition toward democracy.

The dialog between the United States Congress and the European Parliament plays a meaningful role in helping to achieve these objectives. It is a mutually beneficial exchange that reinforces our common purpose of maintaining close ties and advancing our common interests.

Mr. President, I ask unanimous consent that a list of the members of the European Parliament delegation here present be printed in the RECORD.

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

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES

[List of members—25]

	Party	Country	Committees
Mr Geoffrey Hoon, Chairman.	SOC	United Kingdom	Legal/Rules.
Mrs Hiltrud Breyer, 1st Vice-Chairman.	Greens	Germany	Energy.
Mr Philippe Herzog, 2nd Vice-Chairman.	LU	France	Economic.
Mrs Mary Banotti	EPP	Ireland	Environment/Youth & Culture.
Mr Jean-Paul Benoit.	SOC	France	External Economic Relations.
Lord Bethell	ED	United Kingdom	Political Affairs.
Mr Elmer Brok	EPP	Germany	Social Affairs.
Mr Bryan Cassidy	ED	United Kingdom	Economic/Petitions.
Mr Artur da Cuhna Oliveira.	SOC	Portugal	Regional Policy.
Ms Teresa Domingo-Segarra.	LU	Spain	Agriculture/Women's Rights.
Mr Gene Fitzgerald	RDE	Ireland	Regional Policy.
Mr Gerardo Gaibisso.	EPP	Italy	Environment.
Mr Ernest Glinne	SOC	Belgium	Social Affairs.
Ms Annemarie Goedmakers.	SOC	Netherlands	Budgets.
Mr Lyndon H.A. Harrison.	SOC	United Kingdom	Regional Policy/Rules.
Mrs Maria Magnani Noya.	SOC	Italy	External Economic Relations.
Mr Jean Penders	EPP	Netherlands	Political Affairs.
Mr Ioannis Pesmazoglou.	EPP	Greece	Political Affairs.
Mr Luis Planas Puchades.	SOC	Spain	Political Affairs.
Mr Hans-Gert Poettering.	EPP	Germany	Political Affairs.
Mr Gerhard Schmid.	SOC	Germany	Environment.
Mr Jacques Tauran	ER	France	Transport & Tourism.
Mr Josep Verde I Aldea.	SOC	Spain	Political Affairs.

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES—Continued

[List of members—25]

	Party	Country	Committees
Mr Rudiger von Wechmar.	LDR	Germany	Institutional.

Note.—Also participating: Mr Luigi Colajanni, Chairman of the Group for the European Unitarian Left (Italy).

Abbreviations: SOC—Socialist Group. EPP—European People's Party (Christian-Democratic Group). LDR—Liberal, Democratic and Reformist Group. ED—European Democratic Group. EUL—European Unitarian Left. EDA—European Democratic Alliance. ER—European Right. LU—Left Unity.

RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess for 5 minutes to allow my colleagues to join me in greeting our European friends.

Let us welcome our colleagues from the European Parliament. [Applause.]

There being no objection, the Senate, at 12:24 p.m., recessed until 12:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORE].

Mr. MITCHELL. I thank those of my colleagues who were able to be present to greet our guests, and simply conclude by thanking our guests for their presence. We look forward to our continuing dialog with them to advance our aims.

Mr. MOYNIHAN. Mr. President, I say as our guests depart how pleasant it was to see so many friends we met last year in Lake Chautauqua. It is a pleasant thing to have you here. But if you came to more agreeable places than Washington, we could come to see you.

Mr. HELMS. Mr. President, I join in welcoming our friends and bidding them farewell.

It is nice to have you with us.

(Conclusion of later proceedings.)

SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I want to make a couple of comments. One is we ought to have a fundamental level of honesty of what we are doing to America as a result of this bill. This is not a partisan statement. I am looking at a statement from the Democratic Policy Committee for the week of June 10 through June 14 which was recently distributed to our offices. It summarizes the Surface Transportation Efficiency Act of 1991 and states that this bill, which is a major component of the Democratic agenda, will get America moving again. It will "spur economic growth by rebuilding America's infrastructure."

On one of the Sunday morning talk shows, I believe it was David Brinkley, last Sunday, John Sununu appeared representing the administration. He

was asked: "Mr. Sununu, in reference to the criticism that the administration does not have a domestic policy, what is the administration's position relative to rebuilding America's infrastructure?"

His answer was, "Our program is the Surface Transportation Act."

So both parties are representing that this legislation will rebuild America's transportation infrastructure and, by rebuilding America's infrastructure, will make us more economically competitive.

Mr. President, that is absolutely, uncategorically not the consequence of this bill. Quite to the contrary, the fundamental effect of this bill is that American's highways, America's public transit systems will be worse off in 1996 than they are today. In neither of those areas are we proposing to make a sufficient investment even to stay current with the sagging backlog of needs.

If the people who rode from northern Virginia into the District of Columbia today felt that they were in an intolerable gridlock, if the people who rode from St. Petersburg to the Tampa Airport this morning thought that it had taken 20 minutes longer than it should have, if people like them across America were concerned as to what happened to them this morning, be assured that it will be worse 5 years from now as a result of the level of funding that we are about to propose.

I would like to commend the President and his administration. Last fall he recognized the fact that we were disinvesting in our transportation system and advocated a 12-cent gasoline tax, not the 5 cents that was finally passed. It happens that that last 7 cents applied over the next 5 years is about what would be required in order to reach a balanced transportation budget, defining "balance" as being that budget required to avoid any further slippage in our Nation's transportation system.

So, Mr. President, whatever you feel about the terms of this bill, whatever you feel about the great result for a particular State or the sadness of its impact on another State, on a nationwide basis, as the U.S. Senators concerned with the U.S. transportation policy, the basic policy that we are making is a policy of disinvesting in our transportation system, a policy which also states that we are disinvesting in one of the two most fundamental public components to a smaller American economy.

I think that that is where the issue should have been joined rather than on the details of allocation. I believe at least, if we did not join that issue, that we ought to clearly indicate the limitations of what we are about to do.

Thank you.

Mr. MOYNIHAN. Mr. President, may I just join with the Senator from Forida, who is a valued member of our committee, in agreeing with him, but asking if we could not use this quiet moment we have here to recall the terms on which the committee sent this measure to the floor.

There is an introductory statement, which was not a casual one I hope, in which we tried to set this forward. We said in the years since the 1987 act, the Subcommittee on Water Resources, Transportation Infrastructure has held extensive hearings on the transportation needs of this new period and the constraints on those needs.

We say one of these constraints that will be discussed is budgetary. "The U.S. Government for the present and foreseeable future cannot and will not embark on the topic enterprises that came with such seeming ease to Roosevelt and Eisenhower. We have spent our money on other things and are now much in debt, and there you are." We went on to say this imposes two realities to us. The first reality is "with the completion of the interstate system and cutbacks, in the case of transit, the United States has entered a period of general disinvestment in infrastructure." Right there on page 5. We know it, and we do not like it. But we cite it.

Then we say, "a second reality that emerged from our hearings is that the level of Federal investment in infrastructure generally, and in surface transportation specifically, is not likely to rise at any time soon. Rescuing America's 'crumbling infrastructure' has become part of the imagery of American political discourse."

The Senator cited the policy commitment statement as part of our imagery. "For the moment, however, the Federal deficit is a reality and a restraint. Just as engineers live in a world of precision measurement, prudent risk, and the understanding that decisions must be based on what is, rather than on what might be, so legislation concerning public works must be equally realistic."

We then went on to say, "Certainly a case can be made for greatly expanded investment in infrastructure. It is probably still not widely understood just how far we have wandered from our traditional, industrious, improving ways."

Here is a passage I feel very strongly about: "During the early 1980's, as an example, the mighty and ancient United States Army Corps of Engineers designed and supervised more construction in Saudi Arabia than in the United States. In the course of this foreign adventure we built, among other things, 46 mosques. Excellent as a limited exercise, but even mosque building can be carried to excess."

That, sir, is why we called this Surface Transportation Efficiency Act. That is why we said productivity is our goal. I just want to say to the Senator that we do not have any disagreement on the facts, but we had to deal with our constraints.

Mr. SYMMS. Will the Senator yield?

Mr. MOYNIHAN. Yes.

Mr. SYMMS. Mr. President, the Senator from North Carolina has made his way over here. He has a tight time schedule and had an issue he wanted to raise.

Mr. GRAHAM. Mr. President, I just respond briefly that I believe inadequate attention has been given to those paragraphs that the Senator has read and, therefore, an impression has been received by the chief of staff of the President of the United States, and the policy council of the democratic U.S. Senate, two groups that should have some concern and some ability to influence, that we are doing that which we are not doing. We are not, in fact, passing an infrastructure recovery plan; we are not contributing to America's economic strength by this. To the contrary, we are presiding over the decline of the American transportation system.

Second, within that context, with as few resources as we have, we ought to be targeting those resources, in my opinion, in a much more precise way to how to achieve the objectives of efficiency.

I did an analysis of one of the major interstates in my State that would be a candidate for every one of the highway efficiency measures that this bill talks about—signage, entrance control, HOV lanes, all of those items. Frankly, with the amount of dollars that is going to go to my State, it is not going to be a matter that we are not smart enough or committed enough to want to take advantage of that; it is going to be the fact that we are so deprived, financially, that we are not going to be able to take those kinds of initiatives. And so the prospect of greater efficiency in productivity is ephemeral without the resources to make it happen.

So, my concern is that we just state to the American people what it is we are doing, be candid about its implications, be prepared to point to it when we ask next why did America continue to slip in its international economic position, as another example of why we did it, and move on. But let us just not fly under colors that give to the chief of staff of the President, and to our own Democratic Policy Committee, a false impression of what we are fundamentally about.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have an amendment prepared, which I may or may not offer. Before I begin, let me engage in a little bit of historical reflection.

Every 5 years, we have a highway bill around this place. My thoughts go back to 1983, when I raised some questions about that 1983 bill, which was widely advertised in the press and elsewhere as merely a 5-cents-a-gallon gasoline

tax increase. That's the way it was referred to in the media repeatedly.

Well, I just happened to read that bill particularly, when it came back from conference. You could have written a 5-cents-a-gallon gasoline tax increase on one line on one piece of paper. But I vow to you, Mr. President, that conference document was a foot thick, and I recall that, late that night, I wanted to know what was in this hefty pile of paper that had come back from conference.

I asked one of the pages to do me the favor of going out to the photocopy machine and make me a copy of the conference report. When I got it, I put in a quorum call and I said, I want to read this tonight.

The next day, I began to pursue an effort to try to make sense of this bill, because it was not a highway funding bill; it was a Christmas tree. The State of Massachusetts, for example—and I have nothing against Massachusetts—well, I have a few things against Massachusetts—benefited tremendously under the bill because it was a Tip O'Neill Christmas party.

I remember standing on this floor, and I had seven, eight, colleagues standing with me. But the administration, which had originally opposed that 1983 bill, was suddenly supporting the acceleration of the passage of this conference report. It was a total reversal of position because, at the beginning, Ronald Reagan had said, it would take a palace coup for me to sign this bill."

I recall the President's calling me on a telephone in the Cloakroom and saying, "Jesse, I wish you would let this bill go on through."

I said "Mr. President, I cannot do it in good faith and, besides, I recall your saying, sir, that it would take a palace coup for you to be in a position of signing the bill. What I want to know, Mr. President, is when did the coup occur?"

So I went on—I shall not go into details—but finally one after another of the Senators who had joined with me in opposing the administration—for one reason or another, they departed and I was left alone.

Of course, I was defeated—which is all right. It is not a novelty around this place to be defeated on matters in which I participate.

I will never forget, Mr. President, a headline in the Washington Post on the front page—and bear in mind this was 1983—I recall the headline because I have it framed on the wall in my office. It says "Jesse Helms Has a Problem: He is destined for defeat in '84."

Somehow along the way, the people of North Carolina understood instinctively what I was trying to do and this fellow who was "destined for defeat" was not defeated in 1984 nor was he defeated in 1990.

On this 1991 bill we have had so many meetings we've had clusters of Senators gathering here and gathering there, and being handed a maze of statistics which were hard to decipher. We had many discussions. I remember Senator GRAHAM from Florida making an awful lot of sense in these meetings. He had the same problems that I have with this legislation.

As I have said, I have studied this bill as best I could, along with my associates. One thing became crystal clear and that was that there was at least one provision—more than that actually—providing exorbitant amounts of money to be set aside under the interstate construction program section of the bill.

And where, Mr. President, do you reckon that money goes? It goes to the State of Massachusetts. In fact, out of a total of $7.2 billion provided under the interstate construction program for the next 5 years, the State of Massachusetts gets $2.55 billion, about one-third of all the money for the entire country for interstate construction.

I find this exceedingly interesting, if not dismaying, particularly since I have not heard one syllable of discussion from anybody, the authors of the bill, or anybody else, about what appears to me to be an aberration in the interstate construction program. Bear in mind those figures, a $7.2 billion total for the interstate construction program over the next 5 years and $2.55 billion of that goes to just one State.

Mr. President, I know the hour is late in terms of going to a third reading of this bill, but I think the record ought to be made clear about my apprehension regarding some aspects of it. I do not want to impose on the managers of the bill, but I need some explanations from them for the record. Maybe I will then understand it. But right now I do not. And a number of other Senators have indicated to me that they do not understand it.

I wonder if the managers of the bill will indulge me by responding to some inquiries about the central artery and harbor tunnel project in Boston funded in this bill? First, I seem to recall that in 1987 the Reagan administration's highway bill contained some so-called rehabilitation and maintenance funds for part of this project in Boston.

Can either of the managers tell me whether this entire project, both the harbor tunnel, and the peripheral street improvements augmenting the central artery depression, was included in the Reagan administration's 1987 highway bill as an interstate construction project? Was it or was it not?

Mr. SYMMS. If the Senator will yield, I think the answer to that is, yes.

Mr. HELMS. I do yield for the purpose of answering the question.

Mr. SYMMS. I think the answer is, yes, I believe.

Mr. HELMS. It is my recollection that it was not, and therefore, I believe that the only reason we are stuck with the enormous construction costs of so much of this one project in one State in this bill is because we failed to sustain President Reagan's veto of the 1987 highway bill. Is that correct, or is it not?

Mr. SYMMS. Mr. President, I would say the answer to that is, no; that that was not at issue. What was at issue with President Reagan were demonstration projects.

Mr. HELMS. All right. Is the Senator sure about his answer?

Mr. SYMMS. To answer that, if my recollection is correct, the interstate cost estimate going back to 1982 included the completion of these controversial projects in Massachusetts.

Mr. HELMS. The entire Boston project was included?

Mr. SYMMS. Entirely. And if I could just state it and then, Mr. President, I ask unanimous consent to print my entire statement in the RECORD for the Senators' information on how this has all come about.

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

(See exhibit 1.)

Mr. SYMMS. Mr. President, it is controversial; the Senator is quite right. It will continue to be controversial. But most of the interstate in this country was built on a 90-10 formula and I would say, Mr. President, that my first experience to recognize what the interstate did to this country was when I was a young lieutenant in 1960 and was assigned from Quantico, VA, to Pensacola, FL. It was difficult for a driver to drive to the South. You could not get there in less than 2 days. Trucks were backed up. There were traffic jams, poor roads, and congestion.

In this Senator's opinion, the building of the Interstate System did more for the Sun Belt and South and the West, my part of the country, than anything else that the Federal Government has done in a long time to help us develop our States. Most of that was built with Federal money, through North Carolina, through South Carolina, through Georgia; 10 percent was paid for by the States.

This Boston project is going to cost $4.7 billion to complete according to the 1989 ICE. The State of Massachusetts is putting up $1.87 billion. So they have put up a much higher proportion than other places. And there is a long record of what happened.

There are two projects—a tunnel to the airport and then a downtown project. And through the evolution of the downtown project, it was decided that it would be more efficient to have it built underground. The Federal Highway Administration said they would not pay for that.

So, through negotiations in 1986 with then Federal Highway Administrator Ray Barnhart, our committee and the transit people in Massachusetts came to a compromise where the State of

Massachusetts would put up, I believe it was, $800 million to pay for the depression of this artery. The tunnel under Boston harbor was considered inadequate at the beginning of the Interstate Program, and it was determined that a four-lane tunnel was needed because of the service to Logan International Airport.

For any of you who have ever been to Boston, you will readily see that the tunnel under the harbor is needed. That was never in controversy, the part to the airport. The controversial portion is the depression of the central artery underneath the city.

Before the Senator has the floor—and before I yield back—I want to say that I am very, very pleased that the Washington Post was incorrect about the Senator's reelection in 1984 and again in 1990. And I certainly appreciate the Senator's concern for the taxpayers and for the country.

But I do believe that if the Senator examines the record of this, he will find that the interstate spending on this bill on the Massachusetts project is no different in Massachusetts than it is in the controversial expensive project in California, the Century Freeway, which will be completed in this bill or those sections of interstate. I think there is one in North Carolina some 99 million dollars' worth that will be completed in the bill.

We are coming to the end of the Interstate System and this happens to be one of the most expensive pieces of highway ever built. But, to not build it, we would have to go back and repeal a section of what has already been agreed to, voted for by Congress, and I just do not think it is practical.

I hope the Senator would not offer the amendment, because then we will have to go back and have amendments on all the other interstates, whether or not we should complete them. I think in general, the Interstate and Defense Highway System has been one of the best Federal projects we have ever seen in terms of opening up commerce, industry, and opportunity and personal freedom for Americans.

Mr. HELMS. Will the Senator yield?

Mr. SYMMS. The Senator has the floor.

Mr. HELMS. The Senator is saying things that are not in dispute. We all recognize the importance of the Interstate System.

Mr. President, I may be correcting an error Senator SYMMS did not make. But if I understood him correctly, he stated that the central artery portion of the Boston Harbor project was in the Reagan bill. I submit that it was not in the Reagan bill. But the RECORD will show whether I misunderstood him or not.

If I did misunderstand him, I apologize to him.

Furthermore, I gathered from what he said that there is a contradiction between his understanding and mine about the bill.

The lower Federal match ratio the Senator from Idaho mentions results only if you count the entire cost of the project, including the federally ineligible parts, as being the amount of money the Federal Government has agreed to match. It may be insignificant in terms to some people, but it means something to me because it involves billions of dollars of the taxpayers' money.

If I can resume my questioning, I ask the Senator—or either manager of the bill—if we approve this $2.55 billion in interstate construction funds for one State, one project, now in this bill, to build the Boston Harbor Tunnel and the six-lane seaport access road, do the managers of the bill have any indication that the State of Massachusetts will later seek future additional Federal funding for the $1 billion additional cost of putting the existing six-lane downtown expressway underground—a project that is currently ineligible for Federal interstate construction funds?

Mr. SYMMS. Mr. President, it is my understanding—the Senator from Massachusetts may want to speak on this—but it is my understanding that the point Senator HELMS is making is this.

First, the Massachusetts project was on the ICE in 1982, the interstate cost estimate. The dispute was whether as part of completing the interstate, Massachusetts could sink the central artery. This is controversial. It has been a dispute. And the Reagan administration said, no, we will not put up Federal funds to sink the artery. You will be allowed to have the money you are entitled to for the completion of the interstate, but not money to sink the artery.

The compromise that was agreed to was that the State of Massachusetts would come up with the extra money needed for the underground interstate. I think that $800 million of State funds was the number Massachusetts came up with to put into the project. That is what the dispute has been about.

I do not know whether I can answer the question whether Massachusetts will come in and ask for more money. But if they do, they will not be entitled to it.

It is my view this will be the last highway bill that goes through that will have interstate construction dollars in it, because this bill completes the interstate.

Mr. MOYNIHAN. Mr. President, might I seek recognition to agree?

The PRESIDING OFFICER. The floor is under the control of the Senator from North Carolina.

Mr. HELMS. I will be glad to yield to the Senator.

Mr. MOYNIHAN. I simply wanted to agree with the statement of my comanager: This is the end of the interstate construction era. The last.

Mr. HELMS. Then this is the last time, at least for that project, that the taxpayers in 49 States are going to be milked to benefit one State? Is that what the Senator is saying?

Mr. SYMMS. Yes, that is correct, Mr. President. But we could turn right around and say the taxpayers of 49 States were milked to build the road that goes from eastern Idaho to the Oregon border. It is the same thing. We built an Interstate and Defense Highway System throughout the country. Because of the extremely high costs of the most congested areas, most of the rest of the roads got built.

The taxpayers from 49 States are going to be milked to pay for the last; the taxpayers from 50 States are going to be milked to spend the last $99 million in North Carolina.

The State of North Carolina has been a donor State; some States have not. The State of Virginia, for example, is a donor State now, but over the cost of the Federal Highway Program, since 1959, Virginia has returned back to the State $1.27 for every $1 the Virginia taxpayers have put in.

Mr. HELMS. The Senator means the Federal Government has returned to Virginia; he said Virginia had returned.

Mr. SYMMS. In other words, the taxpayers of Virginia had paid in $1 of Federal gas taxes for highway construction, and they received back $1.27 over the life of the program.

There are two major interstate construction programs left: Century Freeway in Los Angeles, and the Boston Central Artery and harbor tunnel projects.

I think the Senator from North Carolina would agree, if he went to Boston, that it is in the best interests of the whole Northeastern part of the United States to build a four-lane road to the airport so people can get to and from the international airport in Boston.

That was agreed to by the Reagan administration, that it would be a good investment to complete the road. Because the city grew so much from 1957, when they originally planned a two-lane road on that interstate, it was upgraded to four lanes.

The controversial part, which will be somewhat explained in more detail in the report I will put in the RECORD, is very controversial. It is the Central Artery project in Boston, which was put back in the 1982 ICE, and at that time the Federal Highway Administration refused to pay the extra cost to sink the artery and build the interstate under the city.

Then there was a big compromise. Massachusetts will be coming up with $1.87 billion out of a $4.7 billion project based on the 1989 ICE, which is around 20 to 22 percent. That is a higher percentage of State funding than the rest of the country for most of the interstate, where not over 10 percent of the funds are State funds.

It may not be completely perfect, but that is the agreement that has been made. And I see no choice, as a member of the committee, to complete the project. Then people will be able to drive on up to Maine and have the same privileges they have when they drive through Washington, DC. They can follow the beltway, and up to Baltimore or Richmond, whichever way they are going, as the road was designed to do.

Mr. HELMS. Mr. President, I think the Senator understands, and I hope other Senators will understand, the point of my question. How do we justify to the other 49 States this inordinately expensive project in Massachusetts, when it is agreed, as I understand it, and if I read the Boston Globe and other newspapers correctly—in the decision, Boston's decision, to depress, as they put it, the downtown expressway, which will increase the expressway's capacity only from six lanes to eight lanes? Does the Senator see what I am talking about? Increasing six lanes to eight lanes, at this enormous cost?

That is what the other 49 States are looking at. Believe me, I am not the only Senator who feels this way about it. I may be the only Senator who will stand up here and inquire about it. But I think the record ought to be complete. That is the reason I am putting the Senator through this questioning which may be an ordeal for him.

The claim has been made, I will say to the Senator, that the completion of the Boston Harbor Tunnel project alone will relieve the congestion on the existing six-lane expressway. What bothers me, as I have already indicated is that all this money is going to increase it just two lanes, to make it eight lanes. It is hard for me to accept, even from my friend from Idaho, his suggestion that this is a cost-effective use of Federal funds.

But it is a fait accompli; I understand that. I have been watching these highway bills for some years. I got into a heap of trouble in 1983 because I tried to watch a little too closely when that Christmas tree barreled into the Senate from the conference. I will never forget that, but that is neither here nor there.

However, since the downtown expressway will be increased from six to eight lanes, once it is put underground at an enormous cost, is it not reasonable to assume that the depression of the central artery is more of a highway beautification project than a really needed highway expansion?

Mr. KERRY. Will the Senator be willing to yield for a question?

Mr. HELMS. I will in a minute. I want to accommodate my friend. The only way to make legislative history is to deal on the floor with the managers of the bill. For this part of it, I prefer to do that. As a matter of fact, I will then turn over the floor to the two Massachusetts Senators.

Mr. SYMMS. Mr. President, if I can answer the Senator's question, what we are doing in the committee bill is fulfilling an obligation that was agreed to in 1987.

Mr. HELMS. It does not make it right, Senator.

Mr. SYMMS. I understand that. Let me add this. The portion of the artery which is underground is being paid for by the taxpayers of Massachusetts, and that is why it is not a 90-10 project; it is more like a 78-22 project; $800 million depresses the artery. If it makes it a beautification project, if one wants to call it that, one might do that, but that is being paid for by Massachusetts. What we are paying for with completion of this project and the interstate is a result of 25 or 30 years of monetary inflation, which has increased the cost of highway projects, so that the first highway projects that were built back in the fifties and sixties and the early seventies are much less expensive than the last ones. And also, those controversial projects, whether it has been big congestion in the big cities, have cost more money because the real estate costs more money.

Boston has the inconvenience of traffic going through there every day. They have the problem of trying to bring in the construction crews to work while they are trying to move this massive amount of traffic of people going to work. It is a very difficult, very costly program.

The only other alternative would be to just say we are not going to keep the commitment that was made in the agreement between Congress and the administration and close down the projects. There is one section in my State on Interstate 90 that is just being finished now. It is not open yet, but they are completing it. I would hate to stop that now and not have that completed.

The Senator from North Carolina may well be right, but I think one could make the argument, Mr. President, that maybe the Federal Government should not have built the interstate, if one wants to make that argument. I happen to be one who thinks the interstate, on the whole, is one of the best things that has happened in this country. It opened up the West; it opened up the Sun Belt. It has created enormous opportunities, and personal freedom is expanded by a good road system in the country because people can get in their automobile, drive, and go there.

Mr. HELMS. I have the greatest respect for my friend from Idaho, but he is getting off the beaten path of the point we are talking about. It is a given that everybody thinks the Interstate System is great. I like it in my State and you like it in yours. We are down to the nitty-gritty in my inquiry. One-third of the Interstate construction money in this bill goes to one State.

Mr. SYMMS. That is because the project was not completed.

Mr. HELMS. For whatever reason, for whatever reason—I am not pinning the mistake on the Senator from Idaho or Pat Moynihan or anybody else. I am just trying to revive a historic statement, "I have no light to guide me except the light of the past."

I hope that, if we have another highway bill, it will be a little more accommodating to 49 States and a little less accommodating to one State. That is all I am trying to say. I am seeking to make this clear through legislative history.

I will go down to lunch with the Senator and let him tell me how great the Interstate Highway System is. I have not disputed that. It is good for Idaho; it is good for all. But the question is how did we get into this tangle in the first place? I will remind him that I said earlier that Ronald Reagan, at the outset in 1983, said it would require a coup for him to sign the 1983 bill. Then he suddenly became an advocate of it. I asked him when the coup occurred?

Anyway, since the Boston project would create 15,000 new construction jobs in Boston, I ask either of the managers, is it not a fact that the program is being touted in Massachusetts by official spokesmen as a "jobs program?" Is that not correct?

Mr. SYMMS. Mr. President, I say to the Senator it probably is, but the reason it is touted as a jobs program is because the people who tout it as a jobs program have never read "Human Action" by Ludwig Von Mises. Had they read "Human Action," they would know that building highways is not a jobs program. You have never heard this Senator take the floor, not in 1982, not in 1987, not in 1991, and say this is a jobs program. It is not. It is a highway program.

Mr. HELMS. I do not want to offend my friend. I have read "Human Action." I know about Ludwig Von Mises.

Mr. SYMMS. Ludwig Von Mises would say you can build that tunnel.

Mr. HELMS. But that has nothing to do with what we are talking about. I asked you, are they touting this——

Mr. SYMMS. Yes, they are touting it, but that does not make it right.

Mr. HELMS. That is the answer to my question.

Mr. SYMMS. It is a highway project; it is not a jobs bill. If you did not spend the $2.5——

The PRESIDING OFFICER. The Senate will come to order. The Senator from North Carolina has the floor.

Mr. SYMMS. If the Senator will yield, I will just say——

Mr. HELMS. I have not yielded yet.

Mr. SYMMS. In Boston, they can spend it on building airplanes or something.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. Mr. President, let me inquire of the Senator from Idaho. If I am going to offend him by asking these questions, I am going to retire from the Chamber.

Mr. SYMMS. The Senator from Idaho is happy to answer the questions. I am not offended.

Mr. HELMS. If it gets too hot, tell me, because we have been friends too long, OK?

Mr. SYMMS. I understand that.

Mr. HELMS. And I am getting to the end of it. Do either of the managers have any indication that Massachusetts will seek Federal assistance to help pay the $4.8 billion cost of mass transit and environmental improvements Massachusetts promised the Boston project's environmental opponents in order to get the environmentalists support for this project, which will cost, by the way, a total of $5.5 billion?

Mr. SYMMS. I have no indication that they will.

Mr. HELMS. What would be your reaction if they did?

Mr. SYMMS. I would oppose it.

Mr. HELMS. Pardon me?

Mr. SYMMS. If they ask for more, I would oppose it.

Mr. HELMS. Now we are getting somewhere, Mr. President. That is exactly what I want for legislative history. How about the Senator from New York, would he feel the same way about it?

Mr. MOYNIHAN. May I say to my dear friend, I missed the question and I would like the Senator to just repeat it.

Mr. HELMS. The point I am making is that Massachusetts' officials promised the environmentalists, who opposed this project in the first place—you know they did—that Massachusetts would make $4.8 billion in mass transit and environmental improvements if the environmentalists would stop opposing the Central Artery and Tunnel project. What I want to know is, if Massachusetts seeks Federal assistance to help pay for these promised mass transit and environmental improvements, is the Senator going to be opposed to it?

Mr. SYMMS. Mr. President, I would only support what they are eligible for. As a matter of fact, I believe right now the Sierra Club has them under lawsuit trying to block this project.

Mr. HELMS. That may put some of us in a position of being in bed with the Sierra Club. I have never been in that position before.

Are the mangers of the bill aware that after promising these improvements, Massachusetts then exempted significant parts of the Boston project from having to comply with the State's wetlands and waterways protection laws?

Is that a fact?

Mr. SYMMS. I do not know the answer to that.

Mr. HELMS. I will tell the Senator that they did.

Mr. SYMMS. The Senator may well know.

Mr. HELMS. Yes. Just two more questions and then we can go to lunch as friends.

Can the managers tell me what the original cost estimate was for this project in 1983, which was about 8 or 9 years ago, and how much that original cost grew between 1983 and 1987, and what the most recent total cost estimate is?

Mr. SYMMS. Mr. President, the answer to that is the cost estimate that I had before 1987 was $1.3 billion. It went up to $3.3 billion after the 1987 Highway Act. Now it is up to $5.4 billion in 1991 ICE.

Mr. HELMS. Five point four billion is correct. I am just making the record.

Mr. SYMMS. The 1991 estimate is 5.4, the 1989 is 4.7.

Mr. HELMS. This is the final one. Is either or both of the managers willing to make any assuring comments to the rest of the States that the Federal Government will not be responsible for future increases in the cost of the Boston project above and beyond the $2.55 billion in this bill? Is this the end of it?

Mr. SYMMS. Not for any interstate construction costs, I certainly will not. That would be outside of what is in our bill. And I think that the Senator from New York and I have tried to make it clear to all our colleagues that this is the last interstate construction bill we can foresee to come before the Congress short of Congress passing a new Interstate Highway Construction Program. But on this subject, this finishes it and I think that is the understanding.

Mr. HELMS. This is it?

Mr. SYMMS. This is it.

Mr. HELMS. Mr. President, I have made the legislative history that I wanted to make and now I will yield the floor so that Senators from Massachusetts can have at me a little bit.

I thank the Chair. I yield the floor.

EXHIBIT 1

INTERSTATE SYSTEM COMPLETION—BOSTON CENTRAL ARTERY/THIRD HARBOR TUNNEL

BACKGROUND AND PROJECT SCOPE

Before 1987 Highway Act: operational improvements to existing Central Artery (I-93) and construction of a 2-lane tunnel (I-90) to Logan Airport.

After 1987 Highway Act: construction of I-90 as a 4-lane toll tunnel and reconstruction of I-93 with new depressed section (High to Causeway Streets) defined as ineligible for Interstate construction funds.

CURRENT STATUS AND SCHEDULE

Approximately $274 million has been obligated; $164 million for preliminary engineering and environmental studies and $110 million for right-of-way acquisition. Some $145 million of this amount has been expended with 50 percent expended on engineering and 50 percent on right-of-way work.

Two supplemental Environmental Impact Statements have been developed. The final EIS signed by the State, for the Haul Road has been submitted for approval by the Federal Highway Administration. The draft Supplemental EIS for the entire project was made available for public comment on May 18, 1990. The comment period closes August 22. Public hearings are scheduled for June 21. The final supplemental EIS for the entire project is anticipated by the end of 1990.

Further requests for authorizations to proceed are expected in the next several months. Requests for $135 million for management, engineering, and environmental activities and final design are anticipated. Some $20 million in added authorizations for right-of-way acquisition are also anticipated.

The Spectacle Island disposal site in Boston Harbor is the preferred alternative site for disposal of some 13½ million cubic yards of excess materials. No final agreement has been reached with the Corps of Engineers or the EPA concerning permit actions. The Corps has requested the consideration of alternative land sites for the disposal. Obtaining necessary permits may take several months after the final supplemental EIS has been approved.

The project appears technically feasible, although extremely complex, due to maintaining traffic and utilities while mitigating environmental and historical impacts.

An optimistic engineering and construction schedule will require 9 years of concentrated effort.

The Sierra Club recently filed a complaint in State court that would require the State to obtain a permit from the State Air Quality Agency before proceeding with construction of the tunnel ventilation buildings. No hearing date is set, but the State is prepared to litigate.

COST-EVALUATION AND PROJECTION

TABLE SHOWING COST EVALUATION

[In billions of dollars]

	Pre-1987 act	Post 1987 act	1989 interstate cost estimate
Interstate construction funds	1.18	2.26	2.83
Other Federal-aid and State funds	.13	1.06	1.87
Total	1.31	3.32	4.70

The bulk of the ultimate cost will remain to be obligated after the existing Highway Act expires (10/1/91).

This project will represent the major cost (over 40% of the U.S. total) of completing the Interstate System in the Highway Reauthorization Bill; while some 25 States will have remaining Interstate projects, most are relatively small.

Based on the 1989 Interstate Cost Estimate (ICE) the nationwide Interstate completion shortfall is $3.2 billion (Federal funds) including $1.2 billion in Massachusetts.

BOSTON CENTRAL ARTERY/THIRD HARBOR TUNNEL

BACKGROUND AND PROJECT SCOPE

The Central Artery (I-93) and the existing tunnels (Sumner and Callahan) in Boston are heavily congested, have substandard geometrics, and need considerable work. The Central Artery/Third Harbor Tunnel (CA/THT) projects would completely reconstruct I-93 from the Southeast Expressway, through the city core, to the I-93/US-1 interchange just north of the Charles River. I-90 will be extended from its east terminus at I-93 to an interchange with US-1A at Logan International Airport.

These projects, except for the portion of I-93 between High Street and Causeway Street, were made eligible for Interstate construction funds by the 1987 Surface Transportation and Uniform Relocation Assistance Act.

The 1991 Interstate Cost Estimate (ICE) submitted to the Congress included $3.870 billion in eligible costs, an increase of $716 million above the 1989 ICE.

CURRENT STATUS

Approximately $765 million has been obligated; $378 million for preliminary engineering and environmental studies, $111 million for right-of-way acquisition, and $276 million for construction.

Two supplemental EISs have been approved. One covers the South Boston Haul Road, a mitigation measure to keep trucks hauling construction materials for the Third Harbor Tunnel off South Boston streets and the second covers the I-90/I-93 projects. A Record of Decision (ROD) for the I-90/I-93 project was approved on May 10, 1991, and publicly announced by the Governor on May 13. The ROD for the Haul Road was previously approved.

The Sierra Club filed suit in Federal District Court under the Clean Air Act, on March 25, 1991. At issue are ventilation buildings on I-90 and I-93.

The city of Cambridge, the Committee for Regional Transportation, and others have filed notices of intent to sue under State environmental requirements. One specific issue motivating the city is Scheme Z, the design alternative selected for crossing the Charles River.

On December 19, 1990, the Conservation Law Foundation (CLF) and the Massachusetts DPW signed a Memorandum of Understanding (MOU) of "Traffic and Air Quality Mitigation" for the CA/THT project.

The agreement to which FHWA is not a party, calls for $1 billion for transit, HOV, rail, parking, and other measures to reduce traffic in the Boston area and improve air quality.

The costs would not be a CA/THT project responsibility, but the Founation and the Massachusetts DPW wanted the FHWA to incorporate the agreement into the ROD and grant conditions.

The FHWA did not agree to do so because the work proposed in the agreement is not project related. While FHWA is not opposed to the specific measures called for, in the agreement, the FHWA will not make the privately negotiated agreement a project responsibility. The agreement is far beyond the scope of the project, imposes unwarranted responsibilities on the FHWA; appears to violate the planning process, some NEPA requirements (such as public hearings and evaluation of impacts) and other provisions of law; and would be difficult and unwieldy, if not impossible, to enforce.

The matter of the MOU is expected to remain controversial.

Design activities are continuing on all portions of the Central Artery/Third Harbor Tunnel.

Subaqueous I-90 tunnel is being designed and is scheduled to go to construction this summer.

The preliminary design at the 100 scale is almost complete and the final design is underway elsewhere on the I-90/I-93 projects.

Massachusetts has a substantial amount of Interstate construction funds available ($1.41 billion as of April 30, 1991). If final design of all I-90 construction projects were expedited to accelerate construction of these projects, I-90 could be opened as early as 1994.

Completion of both projects is not expected until near the year 2000.

The PRESIDING OFFICER. The senior Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I want to express appreciation to the managers of the bill for their very eloquent and accurate responses to the questions involving a particular construction measure that affects not just Massachusetts but the country. It affects all of our regions. They have responded to the questions that have been raised, and I am grateful to them for their understanding of the importance of the completion of this particular element in the Interstate System.

The funds contained in this bill for Massachusetts are for the Interstate 90 and Interstate 93 project in Boston, also known as the central artery and third harbor tunnel project.

Along with the H-3 project in Hawaii and ongoing projects in California, this project in Massachusetts addresses one of the last remaining significant gaps in the Interstate Highway System.

The completion of the Interstate System is one of the highest priorities and objectives of this highway bill. Closing these remaining gaps is essential to the integrity of the overall system, and there is no justification for denying these funds.

This project is of great importance to the entire New England region. The central artery—I-93—is the most congested and dangerous interstate highway segment in America. Ever since the days of the Ford administration in 1975, the Federal Highway Administration has included this project in its maps and cost estimates for the Interstate System.

The plans include two basic features—widening approximately 4 miles of Interstate 93 through the center of Boston, and building a third harbor tunnel to Logan Airport as part of Interstate 90.

Interstate 93 is one of the primary north-south interstate routes through New England, starting south of Boston in Massachusetts, running north through New Hampshire, and terminating in northern Vermont. It is also the principal route for traveling from Logan Airport to New Hampshire and Vermont.

Interstate 93 is a major commercial thoroughfare between southern and northern New England. But the current congestion results in bumper-to-bumper traffic for nearly 10 hours a day. This congestion is responsible for adding hundreds of millions of dollars annually to the cost of transportation in New England, as well as contributing to lower air quality.

The American Association of State Highway and Transportation Officials estimates that the central artery will save at least 21 million hours of travel time a year, almost three times as much as any of the recently approved large urban interstate projects—I-105 in Los Angeles, I-478 in New York, I-90 in Seattle, I-10 in Phoenix, and I-95 in Baltimore.

The other portion of the project, the third harbor tunnel, involves the completion of the eastern end of Interstate 90, which crosses the country from Seattle and becomes the Massachusetts Turnpike into Boston. Under this project, the turnpike will be extended to Logan Airport, with a connection from the airport to Route 1A north to New Hampshire and Maine along the New England coast.

Anyone who has sat in the two existing harbor tunnels in an effort to get to or from Logan Airport knows the need for an additional tunnel.

A new tunnel is long overdue to meet the needs of the large numbers of business and other visitors who use Logan Airport. It will also serve as an essential commercial link between New England's primary regional and international airport and the rest of the New England economy.

The provision for Massachusetts that is being challenged by the Senator from North Carolina was part of the Bush administration's highway proposal. It was part of the bill reported out by the Committee on Environment and Public Works, and it was also part of the proposal by the Senator from Virginia [Mr. WARNER].

As this broad bipartisan support indicates, there is widespread recognition of the importance of this project to the completion of the Interstate System.

The funds contained in this bill are not a bailout, or a special favor for Massachusetts. They represent funds that have been carried on the interstate cost estimate for this project for more than a decade.

Over the past 10 years, Massachusetts has been working on the design, planning, and organization of this massive project. During that time, Massachusetts has made available to other States, through the Federal Highway Administration's administrative process, funds that with inflation amount to nearly $2.5 billion.

In the last 5 years alone, Massachusetts has made available for reallocation among the States over $1 billion originally earmarked for Massachusetts.

What we are talking about here is a significant part of the Interstate System that has been on the drawing board for many years, and which is finally about to be completed.

Now, after many years of waiting and planning, this project is under way. The Federal Highway Administration issued its record of decision for the project, marking the completion of administrative and environmental review, about 6 weeks ago.

Shortly thereafter, the first major construction contract—for the third harbor tunnel, involving $200 million

for tunnel tube fabrication and installation—was put out for bid and will be awarded this fall. Excavation work has already begun on the project.

The remaining controversies—and in a project of this size there have been many—are being resolved. The State is developing an alternative design for crossing the Charles River, and is vigorously pursuing mass transit and other initiatives to address environmental concerns. I have every confidence that this project will proceed as scheduled.

The funds challenged by the Senator from North Carolina are in this bill because of a compromise reached in the 1987 highway reauthorization statute. Section 138 of that law provided for upgrading Interstate 93 and completing the Interstate 90 gap to Logan Airport.

As a matter of compromise, Massachusetts and the Congress agreed that the cost of the High Street to Causeway Street segment, amounting to about 4,500 feet of roadway with a cost of $1 billion, out of a total $5 billion, would not be eligible for interstate construction funding.

Under the terms of the compromise, Massachusetts will cover roughly 30 percent of the overall project costs out of State and noninterstate funds. It is the balance contained in that congressional compromise that is the subject of the bill before us today and that the Senator from North Carolina proposes to undo.

This compromise was designed to provide for the construction of this remaining interstate gap as quickly and efficiently as possible.

The premise of construction of the Interstate Highway System has always been that as each part of the system was ready, it would be built.

Now we are down to a relatively few remaining miles, but we still have an obligation to honor the commitments that have been made, and to see that the Interstate System is completed.

This project is clearly needed. This stretch of road in Boston has almost four times the national average of accidents, and many, many times the national average of delays, for equivalent urban highways. It is a menace to highway safety, and a serious regional transportation bottleneck.

The project has been on the books for years. The question is whether the Federal Government intends to honor the commitments and keep the promises it has made throughout these years. I urge my colleagues to vote with the committee, vote with the administration, and vote for the completion of the Interstate Highway System—and vote against this amendment.

Very briefly, Mr. President, I want to point out, since the point has been made by the Senator from North Carolina, the justification for the kinds of expenditures that are being included in this legislation. Over the past 10 years Massachusetts has made available to other States about $1.4 billion in interstate construction funds. After accounting for inflation, this amounts to more than the $2.55 billion for the central artery and tunnel project contained in the bill. That is according to the Federal Highway Administrator.

In other words, over the period of the last 10 years when other projects, including projects in North Carolina and all over this Nation were on track, and while the completion of the third harbor tunnel and also the artery was in the planning stage and we were dealing with some of the complex issues of title and acquiring rights of way, the resources that otherwise would have been allocated to Massachusetts were being made available to other parts of the country. When you consider inflation, you find out what was actually turned back by the State of Massachusetts is in excess of what is being invested in this particular project now.

Mr. President, I am not going to take the time of the Senate to make the case that this is the most important and significant bottleneck in all of the Interstate System throughout the country. That has been documented.

I am not going to make the case that there are four times as many accidents within this confined area in Boston than any other part of the country. That has been documented.

I am not going to make the case in terms of the amount of time that is lost each day, some 12 hours a day for those who are utilizing this particular roadway. It is projected to be 17 hours a day by the year 2000, more than any other bottleneck in the country. That has been documented.

I am not going to make the case about completing the chain that links Spokane, WA, with Boston from the East to the West or the chain that comes up from Miami to the Canadian border. They both run through this particular area, which is the most congested and dangerous intersection of the country. That was understood by President Ford going back to 1975, and it has been understood since that time.

So I welcome the comments that have been made by the Senator from North Carolina and the excellent responses which have been given by the Senators from both New York and Idaho.

The final point I would like to make, Mr. President, and I wish my friend from North Carolina were here, is when those 18-wheelers come on out of North Carolina up I-95 ready to sell all those tobacco products to Maine, New Hampshire, and Vermont, I do not think they ought to have to wait in Boston for 10 or 11 hours. If my good friend from North Carolina wants, he may come with me and sit in one of those 18-wheelers, packed to the top with tons of tobacco, cigarettes, headed for Maine or New Hampshire and Vermont. They should not have to wait that long.

I think I am speaking for every one of those tobacco farmers down in North Carolina when I say we want to be able to get their product on the road and we want to get it delivered and delivered on time to all those people up there in the northern tier of States.

If sometime my friend from North Carolina wants, he may join me in one of those 18-wheelers as we go through Boston—First we will have the opportunity to take the central artery. Imagine what this will look like in 5 or 6 years and the rapidity with which all of those trucks in commerce that are coming from North Carolina are able to get through.

So, Mr. President, I appreciate the responses that have been given. This is not just an issue for Boston. As this map indicates, what we are arguing about is the passage into Boston, around Boston, all the way up to the Canadian border: What we are talking about is separating that traffic from other traffic that goes on to Vermont and New Hampshire.

We are burdened; our community is burdened; our city is burdened; our State is burdened. But we welcome the cooperation that has been given to us by members of the appropriate committees in support of this project. There is no intention of coming back for additional resources. That has been the commitment of the State. The State is floating the bonds in order to complete its part of the measure and the legislation has been signed into law recently by our Governor. The various kinds of environmental challenges are being dealt with in a responsible way. There is every expectation that this project will be moving a head on time. Already, Mr. President, the early stirrings of this project are taking place in terms of the initial diggings.

So we look forward to welcoming all of our colleagues from north, south, east, and west to visit Boston, visit New England, visit the northern tier of States on some of the finest interstate highways this country has ever produced.

I thank my colleagues and express my appreciation to them.

Mr. KERRY. Mr. President, I thank my colleague for his comments. I just express some jealousy; all the time I have worked with him, he has never offered me a ride in an 18-wheeler. This is a significant step. I want my colleague from North Carolina to understand the depth of my colleague's support because he was willing to incur the wrath of the nonsmoking lobby. Here he is promoting getting the tobacco up to New Hampshire faster in behalf of this effort, and I think the Senator from North Carolina ought to appreciate that. I hope my colleague does not suffer.

Mr. President, I am not going to take too long either, but I would like to

thank the distinguished Senator from Idaho for his answers which have accurately reflected the history here. I would like to answer a couple of questions, and I wish my colleague from North Carolina were still here.

I had wanted to ask him a question because I am not sure to the degree to which he is aware that this project is not a new project. It does not represent $2.5 billion from scratch that is about to be spent but it represents a project that has been ongoing now for a number of years, a project where there is already a hole in the ground, where there is a significant amount of construction, enormous amount of design that has been undertaken, and significant hundreds of millions of dollars that have already been spent and already been committed in an effort to complete it.

I point out to my colleague from North Carolina that this is not somehow a special assignment for Federal funds to Massachusetts. It is not different from what any other State in the Union has already gotten. It just happen that Massachusetts is the last in line, along with California and Hawaii. Those projects also are in this bill and those projects also represent a completion of the Interstate Highway System.

My colleague from North Carolina said, why did not this happen in 1983? It did not happen in 1983 because it was not designed at that point in time. It was only under the design process then. The early comments had not then been made but it was included from the first year that I arrived here in 1985 and each year succeeding that it has been included in the interstate cost estimate.

So this has always been an anticipated cost which is now finally reaching the moment of expenditure. In each year it has been part of the Highway Transportation Act.

Moreover, in Senator WARNER's bill, substitute, in the Moynihan bill, and in the Bush administration bill, this project was included precisely as it is at this moment.

So it has received broad bipartisan support and I think it would be inappropriate at this point in time to try to upset the 1987 compromise that created this.

Moreover—let me share with my colleague from North Carolina who I hope is listening perhaps in the cloakroom—the first major construction contract for this has already been issued, $200 million construction contract, for the tunnel tube fabrication and installation for the tunnel. That is going to be awarded this fall. The bid is out.

In addition, there is some $300 million that has been made available, $328 million in the interstate highway construction funds already for this project.

But the most important point that I would make to my colleague from North Carolina—he says why is it that there is a $2.6 billion pot suddenly? Why is it being spent now?

I would call to my colleague's attention the fact that the money in this bill is equivalent to the amount that Massachusetts has lapsed to other States over the last 10 years because this project was not ready to go forward. So Massachusetts has been paying in year after year the very battle we have had for the last few days over formula on the floor of the Senate. We have been a donor State. Now is our moment to become a donee State and that should not be questioned.

The amount in this bill is exactly equivalent to the amount of money that has lapsed to other States over the past 10 years when adjusted for inflation. In fact over the past 3 years alone, Massachusetts has made available through the Federal Highway Administration process over $700 million that has gone to other States and been used by those States.

Mr. President, I do not think I need to pick up more than the senior Senator has done on the importance of this project or the history of it.

I thank the distinguished managers of the bill for their help and for their support.

One final comment: Massachusetts reserves the right, just like any other State in the Union, to come back to the Congress for discretionary funds for which we have a right to apply and we reserve the right through the Federal process to apply for any additional funds which may be available through the Federal highway process.

But the Senator from Idaho is correct that this is the end of the interstate highway allocation process, and we do not, obviously, have an ability to augment that at a subsequent point in time.

Mr. SYMMS. Would the Senator agree with me that we all owe a debt of thanks to our distinguished and able senior Senator from North Carolina for not offering the amendment that he had proposed?

Mr. KERRY. I absolutely agree with that. I had a conversation with him this morning. He told me at that time he would not offer that amendment. I am grateful to him for being willing not to do that. I think that is in the best spirit of this. I know he wanted to create a legislative record. He has done so. I just want to make sure from my perspective that that legislative record is complete.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that a letter from Mr. Gene McCormick, the very able Deputy Administrator of the Federal Highway Administration who is here with us today, with an analysis of amendment 357 be printed in the RECORD.

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

DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
Washington, DC, June 19, 1991.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: Pursuant to our conversation this morning, please find below my analysis of the relationship between the apportionment formulas in the Graham Amendment No. 357 offered to S. 1204 yesterday and motor fuel consumption.

Within the Graham Amendment, the apportionments of the National Highway and Bridge System Program and of the Urban and Rural and Highway and Bridge Program are equal.

Within the National Highway and Bridge System Program the apportionment is based on the following:

One-ninth each in the ratio which the rural lane miles and rural vehicle miles traveled in each State bears to those of all States;

Two-ninths each in the ratio which the urban lane miles and urban vehicle miles traveled in each State bears to those of all States; and

Three-ninths in the ratio which diesel fuel consumed in each State bears to that consumed in all States.

As a result, three-ninths of this program's funds are apportioned according to vehicle miles traveled, which is directly related to fuel consumption, and three-ninths are directly related to diesel fuel consumption.

Within the Graham Amendment, the Urban and Rural Highway and Bridge System Program funds are apportioned according to the ratio of attributable tax payments to the Highway Trust Fund.

In combination, therefore, about five-sixths of the apportionments from the two major apportioned programs in the Graham Amendment are related to motor fuel consumption.

Sincerely yours,

GENE MCCORMICK,
Deputy Administrator.

GLENWOOD CANYON PROJECT

Mr. WIRTH. It has come to my attention that the Colorado Department of Highways has experienced cost increases and overruns in the amount of $20.50 million for construction of I-70 through Glenwood Canyon. Consequently, the department is seeking additional Federal highway funds to accommodate this additional cost. I ask the distinguished senior Senator from New York, the floor manager of the Surface Transportation Efficiency Act of 1991, Senator MOYNIHAN, if there is a way to address this problem?

Mr. MOYNIHAN. S. 1204 includes a provision that the interstate construction funds shall remain available for obligation until the end of the fiscal year in which they are apportioned. Therefore, there is a possibility that some of these interstate funds could lapse. Based on discussions with the Federal Highway Administration, previous experience shows about $100 to $200 million in interstate funds would lapse in any given fiscal year. The administration would consider these funds to be discretionary and would allocate these funds to those States that have experienced cost increases since the preparation of the 1991 interstate cost estimate and are to be used on eli-

gible projects. The Glenwood Canyon project in Colorado meets these criteria and should be a high priority.

Mr. WIRTH. I thank the Senator for his assistance.

TRANSPORTATION PROJECTS IN LOUISIANA

Mr. BREAUX. I would like to take this time to engage in a discussion on the highway bill with Senator MOYNIHAN. Am I correct in stating that S. 1204 as amended contains no authorizations for special projects, such as demonstration projects?

Mr. MOYNIHAN. Yes, that is correct.

Mr. BREAUX. Under the committee bill Louisiana receives a higher level of funding from which the State can finance transportation projects.

Mr. MOYNIHAN. Yes, this bill provides Louisiana more dollars from the Federal highway trust fund.

Mr. BREAUX. Several of my constituents have contacted me in support of specific transportation projects. Since there are no highway demonstration projects or special projects in S. 1204 as amended, I would like to identify a few of these transportation projects and clarify whether they would be eligible for funding under the Surface Transportation Program or any other program of your bill.

First, the upgrade of U.S. Highway 71, from Kansas City to Shreveport, from a two-lane to a four-lane controlled access highway. This project is also referred to as the I-49 extension. U.S. Highway 71 has had a high number of accidents and it is believed that a four-lane expansion would make the road safer.

Second, the expansion of Highway 28, between Alexandria and Leesville, from a two-lane to four-lane highway. This highway links Fort Polk and England Air Force Base.

Third, the widening of Louisiana Avenue from two to five lanes. The primary entrance to Fort Polk is Louisiana Avenue, which leaves U.S. 171 and extends approximately 3 miles eastward to the entrance of Fort Polk.

Fourth, the construction of frontage roads long I-10 for 6 miles between Ambassador Caffery Parkway and Louisiana Avenue in Lafayette. I-10 suffers from traffic congestion, much of which is caused by local trips. The construction of frontage roads would relieve the congestion due to local trips.

Fifth, the construction of a new pontoon bridge over Bayou D'Inde and reconstruction of Prater Road and Pete Manena Road. The Prater Road pontoon bridge will provide additional access from I-10 to the Rose Bluff area, which is one of the largest industrial areas in Calcasieu Parish.

Sixth, the construction of a four-lane highway connecting the Louisiana/Mississippi border to I-49 in Alexandria. A good deal of this project would consist of expanding LA-10, a State principal highway, from two lanes to four lanes. In other areas, new roads would have to be built. This project would also consist of constructing a four-lane highway from New Roads to Alexandria, a good deal of which could be done by expanding LA-1, a State principal highway. These highways would be connected by the State's new Mississippi River bridge.

Seventh, the construction of a replacement bridge over the Gulf Intercoastal Way. The current Louisa bridge is old and due to the location of the bridge support pilings and the low height of the bridge, several shipping accidents have occurred. The Gulf Intercoastal Way is heavily traveled by transport ships and for safety reasons the bridge should be replaced.

Eighth, extend the Ambassador Caffery Parkway north and south. By extending this primary through-city parkway in Lafayette, an inner loop would be completed. This would allow by-pass routes to alleviate congestion in the area.

Ninth, modify an Interstate 10 overpass to improve drainage over the waterway. The way in which the current overpass was constructed interferes with existing drainage culverts. This has led to flooding and traffic congestion.

Mr. MOYNIHAN. Under S. 1204, as amended, should a State elect to fund its portion of these projects, these projects could be eligible for Federal funds under the Surface Transportation Program or other programs in the bill.

Mr. BREAUX. I express my thanks to Senator MOYNIHAN for participating in this discussion with me.

Mr. MOYNIHAN. Mr. President, I would like to take this opportunity, as my friend has already done, to thank the staff of our committee who are not at the end of their tether, but they have really been through a very hard 2 weeks of night and day work.

I thank the committee staff: David Strauss, Michael Weiss, Roy Kienitz, Kathy Ruffalo, and also Mr. George Schoener, who has been over here from Federal highways, for helping us a lot.

I also thank the minority staff: Jean Lauver and Steve Shimberg. And also our own Rob Connor, and Tim Bernstein, Mark Kadesh, Jay Messer and Andrew Samet.

And I thank the comparable threesome: Taylor Bowlden, Angela Plott, and Trent Clerk from Senator SYMMS' staff who have brought us this far.

So while we have been quite willing to put our own reputations for accuracy in their hands, they have, I would like to think, enhanced them as a consequence. The work of such people is so easily misunderstood because we see them during the day and then we go home. They stay. It is a remarkable achievement that this legislation has come this far. It has come very far, sir, and we are ready to vote. We are ready for third reading. We are ready for final passage.

I see our friend from Alaska is here, and he has a chart which is always illuminating. If he would like to tell us more about it, I am sure we would be very interested to hear. After that, I do hope we can just finish this measure.

The President asked that it be done in 100 days. Well, here we are at 105. Let us get on with it.

Mr. President, I yield the floor.

Mr. STEVENS. Will the Senator yield?

Mr. President, I have no desire to hold up third reading. Is that the case? Are we in third reading yet?

Mr. MOYNIHAN. I regret to say to the Senate no, we are not. We ought to be. Our work is done. The work is done. But there remains some mysterious difficulty which I hope will be resolved, but it has not been. So we are happy to hear from the Senator from Alaska, as we always are.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to make it very plain this Senator does not wish to hold up final passage of the bill. I want to make some comments on the matter of philosophy and policy before the Senate finally votes.

I want to start off first by expressing I think the gratitude of all of us to Senators MOYNIHAN and SYMMS for their hard work on this bill. They have crafted a piece of legislation which obviously meets the overwhelming support of the Senate, and they are entitled to great credit for that.

In spite of their work, however, in reconciling the competing interests of the various States, it is my feeling that this final bill that we are going to vote on now which will set the stage for entering the 21st century is not the kind of bill, not the kind of law, we need to address the needs of the country going into the next century.

I want to particularly call the attention of the Senate to the concept of donor-donee relationship that has been raised here in the debate on this bill.

While I am not sure the managers of the bill would agree, it is my judgment we have once again incorporated into the highway philosophy the donor-donee concept; the theory of the formula really is based on that concept. It is that concept that I find fault with.

I want to say I understand the argument advanced by the Senators from the donor States. They argue that each State should get back from the highway fund the money they pay into it. If our predecessors in the Senate had used that theory with regard to use of taxpayers' funds to construct roads, we would not have any roads west of the Alleghenies.

As a matter of fact, if we examine the Constitution, we will see that the Congress has the duty to provide post offices and post roads. We have been woefully short on that constitutional

responsibility, as far as the West is concerned.

Many areas of the West, and particularly my State, are not really connected to the Interstate Highway System, and yet, as we have just heard, this bill, when finished, will terminate the Interstate Highway System allocation of funds.

Alaska does not even have any interstate highways, although, strangely enough, Hawaii does. We had to go to a device of declaring that some noninterstate highways could be put into the formula, in order to have some assistance in building what amounts to highways of the kind the American public is used to finding throughout the south 48 States.

This bill—and I congratulate the Senator from New York and the Senator from Idaho for it—adopts the status quo as a base. I think, in doing so, they have avoided a great deal of controversy in this last bill, dealing with the Interstate Highway System. A series of amendments now add money and divide them between the donor and donee States in a way entirely unrelated to the base and to the formulas built into the base.

As a Senator from the West, I would like to recall that the formula was originally devised in order to compensate for the fact that the Federal Government and the taxpayers own so much of the West. The formula really gave a tilt toward the federally owned States. In my State, for instance, the Federal Government still owns over 80 percent of the land. If that was a private taxpayer, if there was a private base out there, there would be moneys to help contribute to the extension of the highway system. That has not been possible.

There is nothing like a private enterprise base in the West, compared to the East, primarily because of the continued domination of the Federal Government of the ownership of land west of the Mississippi.

The result of this bill is an inward looking bill. It focuses on what is there on the base and says you can improve and maintain that base, and you have greater flexibility in using your moneys. Again, I congratulate the Senator from New York for that. But there is no concept of being able to expand the highway system into totally unserved areas. It is these underdeveloped areas I wanted to draw the Senate's attention to. We are looking to those areas for our recreation, for new housing areas, and for a new resource base. But we have done nothing to deal with the transportation needs. I think in the next century Americans will pay for that neglect.

It is my judgment that we ought to have built into this a concept of trying to find some way to extend the current highway system. We can declare that the map of the Interstate Highway System, as originally prepared, is completed. It is. When this bill is completed, it is my understanding it will be. That did not include anything in Alaska, and very little in Hawaii, and it did not include many of the areas of the West that are still owned by the Federal Government. What the system really does is penalize the West.

Again, I am not criticizing the Senators from New York and Idaho. I think they have done very well building on this system and completing that system.

But the rural Western States can contribute less to the highway fund, because they have fewer roads; and because they contribute less to the highway fund, it means they will get less in the future. So they cannot have more roads, unless we go back to the Constitution and recognize the needs of the Constitution and the foresight of our forefathers, when they said Congress has the duty to provide post roads.

That is one of the things I want to make the Senate aware of. We are not receiving funds basically because of two things. We do not contribute much into the system and the Federal Government owns all this land of ours.

I have superimposed my State on this map of what we call the "south 48." If you look at it, it touches the east coast and it goes beyond the west coast. It is up above Duluth, and it would, in effect, come down to the level of New Orleans. That is a large area, one-fifth of the size of the United States.

Those red marks in the center and a few roads out here at Nome represent the entire highway system of an area three times the size of Texas.

What is the reason? The reason is that we developed an airline system, an air system. We decided it is not possible to get moneys out of this system now. So we have had a highway system, and we have gone out into the extremes of my State by air. We only have 12,000 miles of road. Texas has 300,000 miles of road.

As a matter of fact, if this State of mine had the same amount of roads as the average of any area in the south 48, as large as it is, it would have 800,000 miles of roads. It has 12,000 miles. It has those few roads because of the impact of the highway allocation system.

We have constantly gone against the concept of recognizing the Federal Government's responsibility to build roads in the areas claimed by it, dominated by it, and as a matter of fact, set aside by it.

Seventy percent of the national parks are in my State; 85 percent of the wildlife refuges; and 60 percent of the wilderness acreage. Those are all owned by the Federal Government and set aside for the Federal Government, and they are not putting up one dime to build the highways through those areas. They look to the amount that is allocated for the State of Alaska to build roads in the non-Federal areas to build the roads in the Federal areas.

This bill would say if you want any roads through the Forest Service, military reservations, parks areas, take it out of the money allocated to the State of Alaska. Theoretically, that should be to build roads in the areas not owned by the largest landowner.

In our State, 70 percent of the towns, villages, and cities can be reached only by air. That is what brings me to my feet today. The Federal Government is now constricting because of, again, a budget consideration, the number of flight service stations in our State. They are going to be collapsed down to three in the whole State. A State the size of Alaska will have only three flight service stations left.

Weather stations are also going to be collapsed down to only three. In other words, the system that we use to travel, the airline system, the air highway system, is collapsing at the same time the highway bill has come to an end, and it is not going to provide any access by land.

The Federal Aviation Administration and National Weather Service were before our Commerce Committee yesterday and said: "We are going to study it." We are becoming a cannot-do Nation. I always thought we were a can-do Nation. There must be some way to solve the transportation problems of the largest area of the United States in terms of a State, and that is the State of Alaska.

We know we have vast oil resources, and the time will come when they will open up. There is no highway access, really, to those. We will get there by air. We could get there by land if Congress saw fit to give us the money to build the roads.

Now, what do we have? We have the opening of the tremendous challenge of the gentleman who is setting in S. 207 right now, the new President-elect of the Russian Federal Republic, Mr. Yeltsin. His dominance extends all the way eastward into the Soviet far-eastern Siberia, right across from my State.

I have had people just this past week come to ask me whether we could find some way to build the railroad connection up through Alaska—there is a railroad into Canada, up by northern Canada—to build it so we could go across the Bering Straits into Siberia, the Soviet far east, all the way to London by railroad.

We are not going to do that. The Federal Government gave up. They were going to sell our railroad and take it to South America until the Congress listened to me and passed a law that allowed the State of Alaska to buy it. We now operate it as a tourist railroad for the basic supply of the interior of Alaska. No railroad connection, no road connection, except through Canada.

The Alaska highway is going to celebrate its 50th anniversary next year.

The Senator from New York was kind enough to accept the amendment. If some States do not use their money, we may be able to go back and improve the portion of the highway that is used by Americans to cross Canada and come to Alaska from the south 48. That road, Mr. President, was built with military funds.

The only connection to my State ever made by highway funds was made with military dollars. Some feel that is the way we should get money now. I thank the Senator for giving the discretion to the Secretary of Transportation to upgrade that road and keep the Canadians from closing it.

In the RECORD of the debate on this bill is a letter from the Canadian Ambassador that says Canada, unfortunately, must notify us that it will close the Alcan Highway unless the American Government keeps its commitment to improve and maintain the Alcan through Canada and the rural portion of Canada, used primarily by American citizens. It was an agreement we made in 1977, and have never yet kept.

Now I think we are witnessing the balkanization of the lower 48 States. I was one who sat up in the gallery and listened to the debate on Alaska statehood and Hawaii statehood, and I am proud of that period of my life.

But I have to tell the Senate, I never envisioned that having become States, Alaska and Hawaii would come into the 21st century with the feeling of having been cutoff from the rest of the Government, cutoff from the other States. And yet, that is what is happening now.

It is not the fault of this committee. It is the fault of the philosophy of the Congress as a whole. We lost the concept of expansion west, expansion north, of trying to build the kinds of roads that are necessary to maintain our total infrastructure.

My problem is this: The Postal Service now tells us that it can no longer pay the subsidy that is required to carry mail in Alaska by air. We have had to call it to the attention of the Postal Service that there are no roads; you cannot have surface transportation. They say: It does not matter; we are not going to pay the subsidy of transporting your mail by air.

This bill pays the subsidy of transporting mail by surface throughout the United States. But it will not pay it in Alaska, and it will not pay it in Hawaii. The real thing I am trying to call the attention of the Senate to is that we fought for statehood; we thought we were equal when we came into the Union.

But now I am saying to my friend, are we really part of this Union? Have we been totally forgotten? Should the Postal Service say: No, we cannot accept the subsidy concept for transporting your mail by air when there are no roads for surface transportation? Should the highway people say: No, it costs too much money to build highways in Alaska, so we are terminating the entire State highway system, even though it never got to Alaska and it never will?

I think the economic future of the West, in particular, is extremely important as we enter the 21st century. The 21st century, Mr. President, will be the century of the Pacific. It will be developing the relationships between our great Nation and the Russian Nation, and the Soviet Union as a whole, if it survives, and the people of China, of the Philippines, of Thailand, of Singapore, of Korea, of Japan, and of all of those emerging nations.

But the future of our economy is in introducing into those areas our technology, our know-how, our ability to go west. That is the future of this country in the 21st century. This bill stops the highway system at our 48 State borders. It is done, and this bill in my opinion, together with the actions planned by the FAA, the Weather Service, and the Post Office, means that Alaska goes backward as the rest of the country goes forward.

I think we have to have the ability to adapt to the changing world. I think we should have the ability to develop the great resources of my State. I think we have to have some way to further the impetus of the free-trade agreement.

Remember, this bill, except for my amendment, which again, the Senator from New York kindly adopted, does not envision reaching out through Canada, reaching through Mexico, to develop the connections that might not be available for our system.

The Senator from Massachusetts was just talking about the 16-wheelers running north. They can run a lot farther north than they do now if they have some roads, and they can run south into Mexico. Before we are into the next century, we will be helping our neighbor to the south to build better roads, so we may have better commerce and exchange with them.

This bill does not envision that. I think the focus of the surface transportation bill should have been on 50 States. And above all, I would urge the Senate to go back and read the Constitution. How can we have post offices and post roads if we stop the concept of expansion of our road system?

It may not matter much to many people what happens in Alaska, but by one vote in this Senate, we decided not too long ago to develop a pipeline to carry Alaska's North Slope oil to markets. That was a tied vote, until it was broken by the Vice President, Spiro Agnew.

The net result of that action is that over 17 years, 25 percent of the crude oil in the United States has come through that one pipeline. It has benefited the rest of the country a great deal more than it has benefited by State. We have stimulated the economy of America in the development of just one small area up at Prudhoe Bay.

I say to the Senate that the demands of our Nation require a unified 50-State policy for transportation. And somehow or other, these dichotomies on the failure of the weather system, the FAA, the Post Office, and now, the highway system say to me the needs of my State have to be corrected, unfortunately. The Senator from New York crafted a bill that can pass, and it will pass, and he is to be credited with that.

The next time around, the Senate is going to face, I believe, a demand from the western federally owned States for a system that extends this road base that exists in the East and in the South and the Southwest, north through the Rocky Mountain States, through some of the Pacific Coast States: Oregon, Washington, and up into my State. I think that is necessary.

I wish to be able to tell the Postal Service: You do not have to pay a subsidy; we do not have to have your subsidy. We will just use the road systems.

We cannot do that. This bill, unfortunately, leaves a great hole in the total fabric of the relationship between my State and the Union. I am saddened by that, Mr. President, and I am saddened that the current budget considerations are such that even my great friends cannot help us out of this dilemma.

Mr. MOYNIHAN. Mr. President, before the Senator from Alaska has to leave the floor, I wish to thank him for a careful exposition of the very special and important problems that are not addressed in this legislation. I think in the next 5-year cycle we must give some very careful thought to that and, to the degree I am involved, we will. And I can guess the Senator from Idaho would do the same. I thank the Senator from Alaska.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I would like to associate myself with the words spoken by the distinguished Senator from Alaska. It seems that we get up and we talk a lot about the States in the West and the unique problems that we have.

In visiting with Mr. Yeltsin this morning and getting some ideas from him where he thinks that that country is going, if it is going anywhere, we all get to look back a little bit in history. There is a country that last year set all kinds of records in food production, yet they have a starving population. He, himself, admitted this morning that 30 percent or 33 percent of their total food production will be lost after harvest because they cannot move it, they cannot process it, and they cannot distribute it.

All we have to do is look around at some of our areas here in this country and we see a deteriorating infrastructure. Now, if there is a purpose of government, it is maintaining a transportation infrastructure. States on their own just will not go out and build the kind of highways to handle the equipment that we have to move our people and, yes, our commerce. They just will not do that.

Also, another failure of the U.S.S.R. could be they never did have a national bank, they never did have a national currency. It kept them from doing business. Now they are broke and they are hungry and they are coming to the rest of the world for help because they have real reform on their hands. But it will take a long time for those reforms to be reflected in the standard of living in their own country.

This particular piece of legislation, probably the biggest that we will consider this year, has more effect on this country than any other piece of legislation that is being worked on and debated in this body.

I want to thank Senator SYMMS and Senator MOYNIHAN and their staffs for their time and their effort in crafting a bill that not only takes care of what we believe is important, but also addresses the needs, I think, in each and every State. We have to remember that in this body, yes, we represent the State of Montana, we represent the States of Idaho and New York, but basically we are representing a nation here, and we have to be U.S. Senators one time to make sure that this is a union, a republic of States that are so dependent on each other for commerce, security, and just to make a living, and the living standard of every living American. What they have done here has been outstanding.

The concept behind the Byrd amendment, which is included in this bill, that States like Montana with higher gas taxes and lower per capita incomes should receive a level-of-effort bonus under the Federal Aid Highway Program is one that I support. The level-of-effort bonus was first proposed in legislation by my colleague, Senator BAUCUS, the senior Senator from Montana, of which I was an initial cosponsor. I want to recognize the work that he and his staff have done on this bill because they have been the key in making sure that the West, not just Montana, but the West, receives their fair share of that trust fund. As this bill moves forward, we plan to continue to work together to protect the West and Montana's interests.

In most cases, we have large land areas to cover and a small population from which to draw funding. Currently, Montana spends about $354 on its highways for every State resident, placing it ninth among the States in per capita spending on our highways and our transportation. So I am very supportive of the flexibility that was put into this bill. And I think Senator MOYNIHAN was a primary crafter of this flexibility to give the States an opportunity to put that money where it is mostly needed.

In the State of Montana, when the interstate system was built, we deferred a lot of moneys that were to go into our primary arterial highways, our secondary roads, the farm-to-market roads, deferred those dollars to build an interstate. But we also made an agreement with the citizens of Montana that, as soon as that interstate is built, we are going to start taking care of your roads. This gives us the flexibility to do that. That is why it is important to us that we have that flexibility, because now we have deteriorating farm-to-market roads, and that has to be done.

In addition, the leeway that this bill gives States in setting standards for secondary roads is a major step forward, in my opinion. This provision alone will benefit rural States that will be able to stretch their highway dollars further because they will not have to meet costly Federal standards.

I am an old county commissioner. With these Federal dollars that come into a country, we could go out and build a road or plan for a road, and then all at once we look at Federal standards in order to qualify for these matching dollars. Sometimes the cost of that 1 mile of road would go up four times. We just did not have the money. We just did not have the money. So what happens? We do not build the road or we do not maintain the road. We do not widen it or maybe put in some safety features that the road needs. Nonetheless, these standards will let us extend some of those roads in the areas and maintain them where they have never been before.

Bridges. I do not know the number of bridges, but it has to be done. And that also applies to that area of this legislation, too.

Included in this bill are a number of pieces of legislation introduced to promote rural tourism. I want to thank the managers of this bill for accepting those amendments, because tourism in the 48 States becomes more and more important. People want to see the West. We currently have a lot of traffic that pays no taxes in the State of Montana because we do not have a sales tax. So you folks that are looking in on television today, you do not have to pay a sales tax in Montana, so you can go up there and vacation this summer. We need the money. Also go up there and ski in the wintertime. We have some of the great mountains.

But nonetheless, this allows us in tourism to meld some Federal funds with some private foundation funds for the promotion of tourism and especially to attract some of our foreign visitors to this country into the interiors of the country and to show what the country is really all about. A little extra moneys to maintain roads around public and public lands, parks, this type of thing, because that infrastructure is falling apart now. You ought to see the road in Yellowstone Park. They need a little work there, too, and so does the road outside the park looking to there.

This legislation does all that. I am appreciative to the managers and this body, for accepting those provisions I had introduced in legislation and now are in this particular piece of legislation. We must have an adequate infrastructure on which we can build our rural tourism economy and a forum with which to promote rural areas like Montana and the American West.

I want to go back to make one more point, how important this is and why the words of Senator STEVENS of Alaska are important.

In the lower 48 States there is only one palladium mine. It happens to be in Montana.

You say, palladium? We do not hear about that little resource very much; what does it do? Well, it is the primary ingredient in catalytic converters.

If we disregard what the Senator from Alaska says, who has those minerals, and especially strategic minerals, and we do not give him a system by which we can extract and process them, we will be just like our friends in the U.S.S.R., having all of those resources and no capability to take advantage of them for the standard of living of our own people in all of the United States of America. I do not think we want this country to get in that position. I do not think we want to get so parochial that we will overlook one part, or one segment of our economy over another.

Yes, we have special problems in the West, because we have few people and a large land area. In fact you can draw a straight line from Eureka, MT, to Alzeda, MT, and it is further than it is from Chicago to Washington, DC.

In a Lear, that does not take that long; on horseback it takes a little longer. But that is what we talk about, when we move product. We move enough timber out of the State of Montana to build 150,000 homes; 16 billion hamburgers—we move a lot of things over that road. And it is important to the rest of the Nation.

As Alabama is important, and what they produce, we market everywhere. We have a marvelous distribution system. No one in this country sees a hungry day because of a closed grocery store or an empty one, because we have a marvelous system that is mobile—we can make things move.

So I applaud and thank the managers of this bill because I think under the circumstances they have done yeomen work and they are to be congratulated for it. And I support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before the Senator from Montana is necessarily off to other matters, may I thank him on behalf of Senator SYMMS and myself. He could not be more generous or more accurate, in my view. Our day began with the meeting with the newly elected President of the Republic of Russia, Mr. Boris Yeltsin, who is very welcome in the Capitol. One ought not let this day go by without comparing the life that the Soviet system has produced for its people, and the American system for ours.

One of the principle concerns that Mr. Yeltsin has—he said this morning—is that upward of a third of their agricultural produce spoils before it gets to market. It is harvested but not eaten.

As Senator BURNS said so well, one thing you never see in the United States is an empty store, and that has a great deal to do with the people who provision it. That is what this bill is about. We thank the Senator very much and appreciate his support.

Now, Mr. President, once again standing here, our revered chairman is on hand——

The PRESIDING OFFICER. Is there further debate?

Mr. MOYNIHAN. Is there further debate? Mr. President, no one appears. We do not urge anyone. We have had our debate. We cast our vote. We are ready to go to third reading and final passage and move on with the business of the Senate.

We have been here all morning. We have not done a thing since 10 o'clock. Mr. Yeltsin and his companions would begin to wonder whether this democratic system is all that effective.

It never was meant to be efficient but there was meant to be a point where some things get decided and we are ready. I feel I should move to third reading. I do not do so, out of an arrangement which suits us all. We have persons whose responsibility that is. But I see my friend and companion through all this. Perhaps he has a better idea.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I would say I do not have a better idea than the Senator from New York. I would only say my observation of what goes on in the Senate is that the American people probably get better Government than they deserve, because what we have is most of the Senate in another room with the President of Russia. It is impossible to have a conversation to explain the situation to the two leaders. I have tried to express my concern to Senator MITCHELL and Senator DOLE, that if they would let us go ahead and pass the bill then, if Senator DOLE wishes to offer a motion to instruct the conferees it would be in order and we would have this behind us and he could do that.

But, there seems to be a snag between the President pro tempore and the Senator from Kansas, as to whether they agree on the procedure for this motion. And I have to say to my colleague from New York, under the circumstances, unless one of those leaders want to leave the room in there we cannot do anything other than risk some later retribution from the leaders if we go to third reading, because Senator MITCHELL told me they are not quite ready yet.

Mr. MOYNIHAN. We do not want to deprive any Senator of an opportunity to do something important. But the word "retribution" has been abolished in Siberia. Perhaps not on Capitol Hill. Perhaps we should entertain the thought.

Mr. SYMMS. I hope no other Senator will offer any other amendment.

Mr. MOYNIHAN. No other amendments. We have had a good time here during the 10 days on this bill; We have spent evenings, as the Presiding Officer will attest, saying anybody who has an amendment come forth, please.

Now, no more amendments. Let us reach agreement and do the country's business.

Mr. President, I yield the floor and suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I take this time to publicly acknowledge and sincerely thank a group of individuals from my State who served as members of a New Mexico Highway Task Force that I established. These dedicated people contributed their time and effort while advising me on highway legislation. The group included: Lou Medrano, chief highway administrator for the New Mexico State Highway Department; Elmore Dean, executive assistant of the State Highway Department; Quentin Ford of the State Highway Commission; Patricia Lundstrom, executive director of Northwest New Mexico Council of Governments; Albert Pierce, executive director of Middle Rio Grande Council of Governments; H.J. "Doc" Weiler, chairman of New Mexico Highway Users Conference; J.R. Hale, president of Associated Contractors of New Mexico; Paul D. Barnes, Curry County commissioner; and Dave Tsosi and Ed Hall representing the Navajo Nation. I should also like to recognize the contribution and cooperation of Rueben Thomas, division administrator of the Federal Highway Administration and the Honorable Dan Silva, chairman of the New Mexico State House Transportation Committee. I would like to express my sincere gratitude toward these fine individuals for their dedicated and diligent efforts. Their advice and counsel was invaluable to me as we considered this legislation.

THE UNIFORM RELOCATION ACT

Mr. NUNN. Mr. President, I rise to support a committee amendment to the highway bill that would provide an exemption to title III of the Uniform Relocation Act of 1970 for the Nation's rural electric and telephone cooperatives.

In 1987, Congress passed, as an amendment to the highway reauthorization, amendments to the Uniform Relocation Act to ensure that all programs funded by Federal dollars followed the same rules in acquiring property from individual property owners. Although the rural cooperatives have no record of disputes with property owners or of the kind of property acquisition practices that the Uniform Act is intended to prevent, the Department of Transportation interpreted the statute in such a way as to bring the co-ops activities under the regulation of the act.

Under the Uniform Relocation Act regulations issued in 1989, the rural electric cooperatives must undertake a number of notification and appraisal procedures which will impose a substantial financial burden on what are nonprofit organizations. According to estimates from several co-ops in the State of Georgia, implementation of these regulations could run as high as $500,000 in the first year.

Our amendment would make it clear that the provisions of the Uniform Relocation Act would apply to rural electric cooperatives only with respect to relocation assistance and not to the routine acquisition of easements and rights-of-ways.

Mr. FORD. If the Senator would yield, I might add that nationwide, the National Rural Electric Cooperative Association estimates that the initial cost of compliance could be as high as $138 million. I do not think anyone involved in drafting the 1987 amendments intended to impose a cost like this.

If the Senator would yield further for a question, is it his understanding that the rural electric cooperatives are the only electric utility companies covered by the Uniform Relocation Act?

Mr. NUNN. That is correct. In fact, the Tennessee Valley Authority already has an exemption under the act providing that only the relocation assistance provisions of the act apply. Our amendment simply extends the same exemption to the co-ops.

Because of the urgency of this matter we are trying to take care of this problem as part of the highway bill. It should be pointed out, however, that

the Governmental Affairs Committee is the committee of jurisdiction over the Uniform Relocation Act. Neither Senator FORD nor I have any intention to disturb in any way the jurisdiction of the Government Affairs Committee.

To make this point absolutely clear, I would ask the Senator from New York and the Senator from Idaho if it is also their understanding that the Governmental Affairs Committee retains jurisdiction over the Uniform Relocation Act.

Mr. MOYNIHAN. I would say to the Senator from Georgia and the Senator from Kentucky that it is my understanding that the inclusion of this amendment in the bill in no way disturbs the jurisdiction of the Governmental Affairs Committee. It is my intention to request that when we go to conference on this bill Governmental Affairs Committee representatives be included on the Uniform Act provisions just as they were in 1987.

Mr. SYMMS. That's also the understanding of the Senator from Idaho.

Mr. NUNN. I thank the Senators. I also thank the leadership of the Governmental Affairs Committee for their cooperation in this matter.

Mr. GLENN. As the chairman of the Committee on Governmental Affairs, I want to ensure that the record is clear as the Senate moves to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act [Uniform Relocation Act] on the surface transportation bill that it in no way alters the jurisdiction of the Governmental Affairs Committee regarding the act.

I have included in my floor statement accompanying this amendment an outline of the legislative history that asserts the jurisdiction of the Governmental Affairs Committee on this matter.

When the Uniform Relocation Act amendments were included in the surface transportation bill in 1987, those changes had been the subject of Governmental Affairs hearings and committee action. The amendment being offered at this time has not had that same consideration; however, I recognize that several Senators feel that immediate action should be taken on the exemption from title III of the act requested by the rural electric and telephone cooperatives, which are financially assisted by the Rural Electrification Administration [REA].

Therefore, as we move to consider the amendment at this time, I want to reiterate that it is with the full knowledge and agreement that this in no way sets a precedent to preclude the jurisdiction of the Governmental Affairs Committee over the Uniform Relocation Act in the future. In particular, I look forward to the Governmental Affairs Committee's participation as conferees on this provision of S. 1204, as was done in the conference on the 1987 surface transportation bill.

Mr. ROTH. As the ranking minority member of the Committee on Governmental Affairs, I want to join in support of Chairman GLENN's comments clarifying the jurisdiction of the Governmental Affairs Committee over the Uniform Relocation Act. I believe it is important to have a clear understanding on this, and I am pleased this colloquy is mutual agreement.

Mr. GLENN. Mr. President, I support the amendment to the Uniform Relocation Assistance and Real Property Acquisition Policies Act—the Uniform Act—as a floor amendment to S. 1204, the Surface Transportation Efficiency Act of 1991. This amendment was first proposed by the National Rural Electric Cooperative Association and the National Telephone Cooperative Association and is intended to exempt their members statutorily from compliance with title III of the Uniform Act, which governs real property acquisition practices.

The Governmental Affairs Committee, which I chair, is the committee of jurisdiction over the Uniform Act, which was enacted in 1970. The legislative record shows that in the 97th, 98th, and 99th Congresses, following public hearings in the Subcommittee on Intergovernmental Relations chaired by then Chairman DURENBERGER, the Governmental Affairs Committee secured passage of comprehensive amendments to the act, which did not become law.

In Februrary 1987 Senator DURENBERGER attached an amendment to the 1987 surface transportation bill on the Senate floor, stating at that time:

> Because of the early action on the highway legislation in this Congress, we have not referred this amendment to the Governmental Affairs Committee this time. But action in this form—a floor amendment to the highway bill directly—is not intended to disturb in any way the jurisdiction of the Governmental Affairs Committee over these matters. We thank the leadership of that Committee for its assistance in allowing us to handle the matter expeditiously and early in this Congress.

The 1987 highway bill was enacted following a conference which included Governmental Affairs Committee Senators SASSER, LEVIN, and Heinz as conferees on the Uniform Act amendments.

The legislative history shows that the focus of the 1987 amendments was to ensure that all Federal agencies and federally assisted programs followed the same rules in dealing with the individual property owners when acquiring property or displacing persons from their property and relocating them. This includes the rural electric and telephone cooperative associations assisted by discounted loans from the Rural Electrification Administration [REA]. The Tennessee Valley Authority [TVA], was specifically exempted from certain of the act's requirements as part of the 1987 amendments.

The legislative history also shows that a major focus of the 1987 amendments was on the displacement and relocation aspects of the Uniform Act in title II. There was clear consensus that the expanded coverage of the act in 1987 was intended to cover "the displacing activities of private development corporations and public utilities where displacement occurs as a result of a federally funded program or project." The rural cooperative represent that they mainly acquire rights of way and easements, without displacing the property owner. Thus, this amendment would continue to subject the rural cooperative funded by REA to the regulations and procedures which apply to relocation assistance under the act's title II and title I.

The uniform requirements for acquiring real property—including rights of way and easements—are in title III. Therefore, when rural cooperatives negotiate for rights of way or easements, currently the law and regulations require:

First, notify the property owner of their interest in acquiring the property.

Second, appraise the property before negotiations are initiated and invite the owner to accompany the appraiser.

Third, make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

Fourth, give the owner a written statement of the basis for the offer of just compensation.

If negotiations break down, then the rural cooperatives can exercise the power of eminent domain through a condemnation proceeding.

The Department of Transportation is the lead agency for Uniform Act implementations, and wrote regulations in 1989 which specifically exempted certain types of transactions from the requirements of the Uniform Act:

First, voluntary transactions, and

Second, acquisition of easement or right-of-way as a condition of membership in the cooperative.

In addition, appraisals are not required if the property is donated, or the value of the easement or right-of-way is estimated by the co-op to be less than $2,500.

In February 1990 the National Rural Electric Cooperative Association adopted a resolution at its annual meeting urging Congress to enact legislation to exempt electric membership cooperatives from the Uniform Act, on the grounds that "due to their use of Federal loans, (rural cooperatives) are the only sector of the electric industry which must go through a series of costly and time-consuming procedures where the acquisition of real property is concerned."

The rural electric cooperatives have provided the following additional information to the committee in support of

the proposed exemption of REA borrowers from the requirements of title III of the Uniform Act:

First, the 1987 expansion of Uniform Act requirements to cover all federally assisted projects only covers rural electric cooperatives, and not investor-owned and municipally owned utilities, their competitors in the electric industry.

Second, the Tennessee Valley Authority was exempted from the Uniform Acts real property acquisition requirements (title III) as part of the 1987 amendments. TVA is the Government-owned corporation with a self-financing electirc power program. As such, it is the wholesale power supplier for many local municipal and cooperative electric systems serving customers in seven States. It also supplies power to several Federal installations and industries.

Third, in the great majority of cases, the rural electric cooperatives acquire easements and rights of way, not the land itself—unlike highway departments, for example. In general, these are uncomplicated acquisitions.

For these reasons, I support the amendment offered on the floor today which would exempt the Rural Electrification Administration from the requirements of the Uniform Act's title III—thus putting REA in the same position as TVA. I continue to support the basic policy and purpose of the Uniform Act, which subjects all other Federal agencies and recipients of Federal financial assistance to the act's regulations.

Should this amendment be adopted by the Senate, I would request of the floor manager that, as in 1987, Governmental Affairs Committee members be appointed as conferees on those provisions of S. 1204 involving the Uniform Act.

GRAHAM AMENDMENT NO. 357

Mr. DURENBERGER. Mr. President, yesterday I voted against an amendment offered by the distinguished Senator from Florida [Mr. GRAHAM]. The Senator had a good objective behind his amendment, but the way he tried to reach it did more harm than good.

Like a lot of Senators, I am not entirely pleased with the formula which allocates funds to the States not on what their need is but based on what they have spent in the last 5 years. Senator GRAHAM has replaced that with another formula, but I cannot support this amendment because a portion of the formula focuses on tax contributions derived from motor fuel tax revenues.

Mr. President, 20 States, including Minnesota, would be severely penalized if we adopted a highway funding formula that emphasizes motor fuel tax revenues. The reason these States would be penalized is because all of them provide incentives that encourage the use of alternative fuels, including ethanol produced from America's farmers.

For more than a decade, we in Congress have tried to help break our dependence on foreign oil by encouraging alternative fuels such as ethanol. The ethanol market not only serves as an important outlet for our Nation's grain producers, but also plays a vital role in helping many areas of the country meet clean air standards. Because of the importance of encouraging the further development of the ethanol industry, Congress provides a 6-cent-per-gallon tax exemption for ethanol fuels.

Mr. President, it is clear that if we adopt a highway funding formula based on motor fuel tax collections, we would be working at cross-purposes with our national goals of energy independence and clean air because those States that have not encouraged alternative fuels would be the largest gainers.

Forty-four States currently use ethanol in gasoline blends, thereby displacing almost 42 million barrels of oil annually. In addition, last year's Clean Air Act, of which I was a principal author, will help to achieve a reduction of carbon monoxide and ozone depletion in nonattainment areas throughout the country, and that will be achieved by encouraging use of more alternative fuels like ethanol.

Mr. President, it just does not make sense to penalize States that are at the forefront of the alternative fuel market. It points America in exactly the wrong direction as far as clean air and energy independence. For that reason, I voted against the amendment.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

AMENDMENT NO. 361

(Purpose: To indicate the sense of the Senate about the section on gasoline taxes as it relates to state effort)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. DOLE (for himself and Mr. MITCHELL), proposes an amendment numbered 361.

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:

At the appropriate place, add the following:

It is the sense of the Senate that the conferees on this bill should consider section 159 of title 23, United States Code as it appears in amendment No. 295 as amended so as to determine each State's total apportionments under section 159 of title 23, United States Code, in a way that reflects each State's total effort for highways as described in amendment No. 334, and including each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average state per capita disposable income, as well as taking into account the effect of such apportionment formula on energy conservation, energy security, and environmental quality.

Mr. SYMMS. Mr. President, starting from this point on in the amendment, this is language that was added by the distinguished President pro tempore and agreed to by him, the entire amendment, with this included.

I will read that part.

* * * including each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of such apportionment formula on energy conservation, energy security, and environmental quality.

The President pro tempore, the majority leader, and the minority leader agreed on that. That was the President pro tempore's language that I read.

Mr. President, I must defer the debate. I think we can accept the amendment. I think, as a conferee on the bill, we certainly will look at and pay attention to what the leadership is asking and what the sense-of-the-Senate amendment calls for.

Mr. MOYNIHAN. Mr. President, I would like very much to repeat and to confirm the statement by the comanager; that we will, indeed, as conferees, pay close heed to this counsel.

Mr. President, if there is no further discussion, I urge adoption of the amendment.

Mr. MCCAIN. Mr. President, I rise in strong support of the pending amendment. At issue is how we will allocate nearly $4.1 billion in highway and transportation moneys. The Senate has voted to distribute that money to States based on the local level of effort to fund highways and transportation infrastructure.

Unless the bill is changed, however, that effort will be measured solely by the size of a State's gas tax. Such a formula, Mr. President, is patently unfair. Many States such as Arizona fund transportation infrastructure from sources other than State gas tax revenues. In my State, for instance, we raise large sums of highway money with bonds and through special sales taxes. The bill as it is currently written would completely ignore those efforts. It seems to me that if we are to allocate money based on level of effort at the State level we should look at the total effort, not just the size of the State gas tax.

My colleagues should also consider whether it would be responsible public

policy to encourage States to raise gas taxes, and use the revenue for nontransportation purposes, in order to leverage additional Federal transportation moneys.

Yes, Mr. President, this amendment means millions of dollars to my State in highway and transportation revenues which we desperately need; but this amendment is also about fairness, equity, and common sense. Again, I strongly urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 361) 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.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Mr. RIEGLE. Mr. President, may I ask if it is appropriate to set aside the matter for a moment to make a statement on another issue related to the banking problems?

If there is no objection to doing so, I would like to make a statement of about 10 minutes in length on what issue.

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

Mr. RIEGLE. I thank the Chair. I thank my colleagues.

THE BANKING INDUSTRY

Mr. RIEGLE. Mr. President, a number of people are asking about the condition of the banking system in light of many of the news stories that have been running. So I take the floor now to give a comprehensive assessment of the situation as it exists today from my vantage point, serving as I do as chairman of the Senate Banking Committee.

So I am rising to address one of the most urgent matters on the domestic agenda, the massive and growing problems within our financial system, and the urgent need to shore up the bank insurance fund to prevent its insolvency and a potentially vast taxpayer bailout.

The June 18 edition of the Washington Post reports that Treasury Secretary Brady has suggested that the only way to avoid a taxpayer bailout of the bank insurance fund is to adopt the administration's entire deregulation package of expanded bank powers.

It should be known that the sweeping package includes: One, eliminating the historical separation of banking and commerce; two, eliminating the separation of investment banking and commercial banking, three, allowing banks to get into the insurance business; four, transferring the regulatory authority to a new Treasury bureau; five, eliminating restrictions on interstate branching by banks; and six, providing additional authority for the Federal Deposit Insurance Corporation to borrow in the name of the American taxpayers an estimated $75 billion to cover expected future bank failures that can now not be financed by a nearly insolvent bank insurance fund.

Regardless of the merits of the individual elements of that package, any suggestion that the adoption of the administration's broad proposal will provide an immediate cure for the banking industry or rebuild the bank insurance fund is highly misleading and inaccurate.

Clearly, I believe that deposit insurance reform and recapitalization of the bank insurance fund must be top legislative priorities here in the Senate, and my Senate Banking Committee colleagues and I are now crafting a full legislative package that deals with those issues and related issues.

Looking to the future, strong deposit insurance reforms are crucial if we are to prevent future banking industry problems from ever again growing to the size of today's problems.

But just as clearly, the administration's banking package, S. 173, if adopted today in its entirety, would not resolve today's accumulated problems in the banking system. The administration's plan cannot and will not transform bad loans currently on bank balance sheets into good loans. That plan will not revive and restore to health the banks that are currently unprofitable and economically insolvent, nor will it transform the negative balance of the bank insurance fund to a positive balance. These massive existing problems simply are not susceptible to being erased by a legislative package.

After 22 days of extensive public hearings with the foremost banking experts in our country on the condition of the banking industry and on the problems of our bank insurance fund and need for reforming our system, it is clear that the troubled condition in the banking industry was a long time in the making and will take a long time to resolve. There is no quick and painless remedy available here, and the scale of the existing problems means a long, difficult and painful road ahead. Moreover, if the economy does not strengthen measurably, we could face a banking problem of engulfing magnitude, and we should have no illusions about the grave dangers inherent in that situation.

Let me briefly review the current condition of the banking industry and the current condition of the bank insurance fund.

We must face the prospect that the banking industry today presents two starkly contrasting pictures, one positive and one very negative. On the one hand, the vast majority of banks in this country are healthy, well capitalized, and profitable. The CBO testified on January 29 of this year:

> Almost 11,000 of the 13,000 banks had equity-to-asset ratios of more than 6 percent and reported positive net income. These banks accounted for nearly half of the industry's assets and show every sign of being able to survive the recession we believe is currently under way.

On the other hand, the negative banking industry perspective is that of many deeply troubled and insolvent banks that tend to be very large in size and are experiencing severe problems in their bloated commercial real estate loan portfolios. The General Accounting Office has looked at these large troubled banks and all other banks identified as problem institutions by the regulators. On April 26, just 2 months ago, the Comptroller General testified as follows on the condition of the bank insurance fund:

> We believe that the fund balance is actually significantly lower than the level presented in the unaudited statements. We reached these tentative conclusions after reviewing the financial condition of 368 banks. Collectively these banks have $1.8 trillion in assets, which is about one-half of the industry total. We believe that about 71 of these banks, with total assets of about $69 billion, are already insolvent.

As this analysis shows, even though these severely troubled banks are limited in number, the potential problems created by their insolvency is vast and has overwhelmed the resources of the deposit insurance fund. More ominously, the CBO has testified that the problems at the largest banks are continuing to grow even larger. No one today can accurately predict the full extent of this financial exposure to our system, and the risk to the American taxpayers, who stand, of course, behind the Federal Deposit Insurance System.

So, in effect, we have two quite different banking industries: one composed of a vast number of healthy well-run banks, the other composed of a smaller number of very large, severely troubled banks. But clearly the problems of the large banks are so severe as to cause the BIF to become insolvent, and that is the consensus view of the Government watchdogs at the GAO and CBO, and of the leading analysts in the private sector.

As I have said before, it is not clear exactly how big the problem is today or will become in the future. Even the GAO, with its highly skilled analysts and full access to banking industry data, has problems in identifying with certainty the magnitude of the losses that will confront us.

In that same April 26 hearing, just 2 months ago, the Comptroller General stated:

The early warning system provided by bank call reports is seriously flawed. Because FDIC consistently found that the failed banks we reviewed overstated their asset values, there is no doubt that some banks operating today have underreserved for nonperforming assets.

Then, on March 12, of this year, we had a panel of academic experts testify about the condition of the banking industry and various proposals to reform the system. One of the points they made was that the information being provided by the banks and by the regulators served to mask the true extent of the problems. Historical cost accounting does not enable the banks or their regulators to fully know the current condition of the banks. It offers a perverse meaning to a comment made by SEC Chairman Richard Breeden last year, when he said maybe we should begin bank balance sheets with a formal disclaimer that reads, "Once upon a time," and so forth, in that vein.

What caused the problem for the unhealthy segment of the banking industry? On February 21 of this year, we had a panel of noted banking analysts testify before the Banking Committee. On that day, they told the committee that the banking industry was suffering, along with the rest of the economy, from the huge and excessive buildup in debt over the past decade.

Under the direct eye of the Federal bank regulators, many large banks exploded into real estate lending during the 1980's. Sixty-two percent of all new bank lending in the past 6 years has been for commercial real estate. Today, commercial real estate loans are almost 25 percent of total bank loans. This explosion of high-risk lending is the root of the current crisis—where a glut of commercial real estate has caused huge drops in asset value—wiping out countless billions of dollars of bank loans in these investments.

When the 1980's started, commercial office vacancy rates were at normal levels by historical standards, namely, between 3 and 4 percent. Today, the nationwide vacancy rate for office space approaches 20 percent.

When the banking analysts testified on February 21, Carol Berger, a veteran bank analyst with 16 years experience, said:

You can make the case that banks are going to have to charge off * * * 33 percent of their total real estate loans * * * which is roughly equivalent to all of their equity and reserves. So it could be a very massive problem.

The banking industry currently has reported capital of $235 billion. So what this particular analyst has indicated is that the banking industry may have a problem on its hands that is in the range of $200 billion or more, which would be an amount of losses that is roughly equal to all remaining bank capital.

It is important to review briefly the history of bank powers. When national banks were created, they were forbidden to make commercial real estate loans, and that prohibition continued for decades. Many years ago, when banks were finally allowed to make such loans, the rules at that time required developers to put some of their own equity into these projects to provide a necessary margin of safety. Those investment rules were further relaxed in the 1970's and 1980's. Bill Seidman, FDIC Chairman, testified that the majority of the problem loans that he has now had to deal with are problem commercial real estate loans that would have been illegal 10 years ago and which now have become the principal cause of today's banking system difficulties.

Thus the problems of today, namely the insolvency of the bank insurance fund and the weakness of the largest banks, have been directly tied by the Chairman of the FDIC to earlier deregulation efforts that allowed national banks to expand into a new activity with a new risk profile that has in one short decade imperiled the entire banking system.

It is well to consider this unfortunate history when the Secretary of Treasury now tells us that unless we immediately adopt additional measures to let banks expand to new business activities, that the banking system might be plunged into a crisis.

THE CONDITION OF THE BIF

Let me just briefly comment on the condition of the bank insurance fund.

On April 26, 1991, the GAO concluded it was "highly probable" that the BIF would be insolvent by the end of this year. Since that time, others have increased their estimates of the losses and the magnitude of the pending insolvency of the BIF. The Congress saw this problem coming last year and we originated and enacted a bill that gave the FDIC the ability to increase BIF reserves by raising bank deposit insurance premiums and allowing BIF to borrow money for working capital purposes from the Federal Financing Bank. This law now on the books gave the FDIC the complete authority to charge the banking industry insurance premium rates at whatever level was necessary to restore the insurance fund to solvency.

The banking industry's representatives have repeatedly told the committee that the industry fully expects to pay for its own problems, and the administration has now proposed $75 billion of Federal borrowing from the U.S. taxpayers to handle the bank insurance fund problem.

The administration claims that the banks would, over a period of several years, eventually repay the $75 billion that the bank insurance fund would borrow from the taxpayer. The Comptroller General, and others, have expressed extreme skepticism about the banks ability to repay this $75 billion loan. The $75 billion is composed of $25 billion for actual bank losses, and $50 billion for working capital to finance the Government's holding assets from failed banks until the assets can be sold.

Chairman Seidman has stated that he believes the direct losses for the BIF will most likely be $23.1 billion for 1991 and 1992. Yet, in contrast to that, noted private economists Barth, Litan, and Brumbaugh have estimated that the BIF losses could be as much as $63 billion. No one knows the true size of what these losses may prove to be.

Whatever the true magnitude of these losses, they are already imbedded in our bank's balance sheets. Legislation cannot turn water into wine and no legislation—not my bill, not the administration's bill, not anybody's—can restore value to assets the marketplace has now written down to much lower levels. The glut of commercial office space has caused rents for office space to decline, in some places as much as 50 percent, and legislation cannot change that.

CONCLUSION

Let me now conclude:

Expansion of bank activities and expansion of ownership of banks may result in some increased profitability and higher bank capital, but these goals would only be accomplished over the long run, and it would only be an incremental improvement. One of the leading bankers of our time, John Medlin of First Wachovia Corp. has stated that the profits to be made by the banking industry in the proposed new activities are, in his words, "lunch money." When Mr. Medlin testified in front of our committee last month, he stated that "I would not be one of those who would be passionate in having the full package of powers proposed in the more expansive of the proposals." So there is a serious question as to the inherent profitability of new bank powers and the level of risk associated with these proposed activities and they cannot be remotely seen as a cure-all for the huge problems that have accumulated.

So Congress must carefully analyze the administration's proposal in light of the current situation we face and the past circumstances that have brought us to this point. For myself, like Mr. Medlin, I do not believe that new activities or breaching the barrier between commerce and banking will significantly increase the profitability of banks or begin to fill in the canyon of losses that have already accumulated in the banking industry. These proposals simply cannot provide a sudden explosion of new profits that will repair the massive capital losses that have been incurred by many large

banks. To suggest otherwise is simply to try to deflect attention from the real problems—imbedded loan losses, abuse of regulatory discretion, and an insolvent insurance fund. These unfortunately are the real issues, and they must be dealt with directly and as promptly as possible.

I thank my colleagues for their courtesy in allowing me to make this statement at this time.

SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Surface Transportation Efficiency Act, that we are going to be voting on shortly or at least I hope we will be voting on shortly, after discussion and further study of it, clarification as a result of amendments and as a result of debate, is a very good piece of legislation that will move the United States into the post-Interstate Highway System era. I am pleased to be able to vote for this innovative, creative piece of legislation.

The bill authorizes funding to meet the transportation needs of our country as we approach the end of this century. The bill provides flexibility to the States to decide how to best meet these needs.

There are certain parts of the bill with which I am especially pleased; and I wish to discuss three of those:

The first is the formulas. I said at the beginning of this discussion that many of us thought formulas would be the No. 1 fight during consideration of the highway bill, and events have proved those of us who said that very correct. The battle was to insure that each Senator's home State get its fair share.

Mr. President, in my estimation, and in the estimation of the many experts I have been working with from the Iowa Department of Transportation, the State of Iowa has been dealt with fairly under the formulas contained in this legislation.

The second is in reference to the National Highway System. The idea of a National Highway System is critical to maintain the integrity of an efficient transportation system throughout the United States. This bill provides 20 percent of the Surface Transportation Program funds for the National Highway System. I was pleased to be a cosponsor of the amendment which provided for this very important system and I think keeps or makes it certain that the White House will not veto this legislation.

The third and last specific point that I want to make is with regard to a minor part of the bill but important to an agricultural State like mine of Iowa, and that deals with some amendments to the commercial drivers license. An amendment that I cosponsored was adopted that would waive Federal commercial drivers license requirements for vehicles used to transport farm supplies from the farm retailer to the farm and for vehicles used in custom harvesting. This will provide much needed relief to farm communities across the Nation, including my home State of Iowa.

The last provision deals with what we refer to in the Midwest as the Avenue of the Saints.

This bill is very good news for those of us in the Midwest who are supporting a highway that runs from St. Louis, MO, to St. Paul, MN. There are other like avenues that are considered real possibilities between other major cities of the United States. But this legislation opens a way for this highway to be completed. The Surface Transportation Program gives enormous discretion to States and metropolitan planning organizations to make transportation decisions. The Iowa Department of Transportation and Iowa Governor Terry Branstad have publicly stated that the Avenue of the Saints is the No. 1 transportation project for the State of Iowa. This legislation will allow our State to proceed, along with the States of Missouri and Minnesota, in the completion of this project because they will have the discretion to allocate the needed moneys to make the Avenue of the Saints a reality.

The adoption of the National Highway System, of which the Avenue of the Saints is part, gives even more focus to this important highway corridor.

There is one issue, Mr. President, that was debated during the consideration of this bill that really should not have consumed the time of the U.S. Senate. And that was the issue of the renaming of the interstate routes around the Quad Cities in the States of Iowa and Illinois. This was a parochial concern that should be decided by the local parties involved or by a process that has been in place for the last 5 years.

It is my understanding that there may be attempts on the part of some of our colleagues in the House of Representatives to address this issue in their version of the surface transportation legislation. I would note that the U.S. Senate expressed its opinion very strongly on the question. By a vote of 72 ayes to 26 nays, the Senate convincingly pronounced that it is not the role of the U.S. Congress to be the arbiter in these local disputes. It is my expectation and hope that the Senate conferees will strive to uphold the Senate's strongly held position on the local matters.

In closing, I wish to compliment the chairman and ranking member of the full committee, Senators BURDICK and CHAFEE, and the chairman and ranking member of the subcommittee, Senators MOYNIHAN and SYMMS. They have produced a fine bill which I will be happy to support.

I yield the floor.

Mr. MOYNIHAN. Mr. President, speaking on behalf of Senators SYMMS any myself—and he can speak for himself—I thank the Senator from Iowa for his very thoughtful comments and his very substantive comments as well.

Mr. SYMMS. I thank the Senator.

Mr. DOLE. Mr. President, first, I want to thank the distinguished Senator from New Jersey for letting me proceed for a couple of minutes because we have another meeting.

I wanted to thank the mangers of the bill for accepting the amendment that I offered, along with the distinguished majority leader, Senator MITCHELL, which has to do with total effort and the fact that it would be considered by the conferees.

And I thank the chairman of the Appropriations Committee, Senator BYRD, for including additional language in what we had initially proposed. I think it reflects what we would like to determine between now and the time we go to conference. What do we mean? Should we include just gasoline tax?

I will make the argument very quickly. Many States do not use all their gasoline tax for highway construction or maintenance. Many States, including the States I think of everybody on this floor, have additional taxes—toll roads in New York, which is, in effect, a tax. In the State of Kansas we have additional taxes, not gas taxes but other taxes, and sources of revenue that are used for highway construction and maintenance. I do not believe anybody can argue with a straight face that we should not consider the total effort. It should not be just the gas tax. And I also have examples in my statement.

I will just give you one example. Maryland, Oklahoma, Pennsylvania, and Vermont send a part of the money raised by the gasoline taxes to their general funds for use in other programs. Yet under the so-called Byrd amendment, these States are rewarded. They receive so-called reward money. In addition, Iowa, Nevada, Oregon, and Wisconsin give part of their gas taxes to parks and recreation, but they get rewarded under the so-called Byrd proposal.

So the point I wanted to make and what I wanted the record to indicate is that a lot of gas tax money—I do not care what the level of the gas tax is, what the State level is—if it is used for something other than highway construction or maintenance, it should not be counted. It ought to be discounted.

We have money being used for arts, flood control, ports, aeronautics, agriculture, emergency reserves, and wild-

life. They are all good programs, but they are not highway construction or maintenance. And so I want to have the record reflect that.

I am pleased to be joined by the distinguished majority leader.

If we are going to be fair with all States—all States—then we want to look at the total effort each State makes with State revenues on highway construction or maintenance. I do not believe anybody can argue that that is not fair.

So I again thank the managers of the bill for accepting the sense-of-the-Senate amendment, and I would certainly hope that when this matter goes to conference, it will have another opportunity, and we will have an opportunity on the House side and we are going to work with a number of our colleagues on the House side to make certain they consider total effort. It is very important. Anything else, in my view, would not pass the fairness test.

Mr. MOYNIHAN. Mr. President, I thank the Republican leader. Once again he has been a voice of reason and harmony.

We would be finished with this bill now save for the fact that there are apparently some amendments for what purpose we do not fully understand. But you may be sure we will be mindful of this matter in conference. We have said that before and I say it again to the Senator now.

Mr. BRADLEY. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

THE 27TH ANNIVERSARY OF THE 1964 CIVIL RIGHTS ACT

Mr. BRADLEY. Mr. President, today is the 27th anniversary of the passage of the 1964 Civil Rights Act. I can think of no better time to make a few comments on how bankrupt this administration's moral leadership is on the issue of race relations in our country.

Mr. President, I was an intern here in Washington that summer of 1964, and sat in the gallery, right up there in the corner, as the Senate voted overwhelmingly for the passage of the civil rights bill. President Johnson called it "a challenge to all America to transform the command of our laws into the customs of our land."

I remember thinking that this was an example of what government can do that is good and that America was a better place because of that bill. I remember watching some Republicans use their opposition to the bill as the beginning of their so-called southern strategy that election year. And I remember Lyndon Johnson giving a fiery speech of support for the act in New Orleans that fall.

William Manchester writes that Johnson ended that speech in New Orleans by telling of how, when Sam Rayburn first came to the Congress, he had a long talk with an ailing southern Senator who said he wished he felt well enough to take one more trip home.

"I would like to go back down there and make them one more Democratic speech," Johnson quoted the Senator as saying. "I just feel I've got one more in me. Poor old State, they haven't heard a real Democratic speech in 30 years. All they ever hear at election time is nigra, nigra, nigra". The audience gasped, recovered, and gave him a 5-minute standing ovation.

I think of 1964 and I feel that today, in 1991, people have not heard a real Republican speech in over a quarter century. All they ever hear at election time is Willie Horton, Willie Horton, Willie Horton or quotas, quotas, quotas. But the message from the Republican Party is the same just as it was from the memory of Sam Rayburn's Senator. And it is an outrage.

It is an outrage because it was a Republican President, Abraham Lincoln, who asked us to appeal to the better angels of our nature. And many in his party—not all, but many—have instead chosen the calculated pursuit of votes to perpetuate their powers by dividing us along racial lines. It may be smart, short-term politics, but it is destructive to our future and we will all pay for it.

Over the coming weeks, the 1991 Civil Rights Act will come before the Senate. As we consider it, let us remember the courage of those who were here in 1964, the courage of those in both parties who chose moral leadership over racial politics.

Moral leadership, at this critical time, requires that this body and, even more important, our President rise above partisan, divisive politics and unite this country as one nation under God, indivisible, with liberty—liberty—and justice—justice—for all.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I know that I, for one would wish to accord myself with those remarks, having listened to the Senator from New Jersey with great heed and great agreement.

SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. MOYNIHAN. Mr. President, there does not appear to be any other Senator seeking to offer an amendment. Senators must know that we will move to third reading of the bill. That is our responsibility. We are sitting here and getting toward our second week, and I would like to ask the floor staff—if they would not be recognizant of the fact that we have no amendments being offered and we would like to go to third reading.

Mr. SYMMS. Mr. President, if the Senator would yield, I know of no other amendments on this side that will be offered. We are prepared to go to third reading. So I think once we get the clearance of the floor staff we are ready to go.

Mr. MOYNIHAN. I would simply say that in our case the Senator from Florida [Mr. GRAHAM] has indicated he has amendments but he has left the floor without any instruction to us.

If he does not return, we would just as soon he let us proceed.

Yesterday we discussed at some length this question of donor and donee States; yesterday, the day before, the day before, the night and the evening and the morning before that.

I have taken the liberty of producing a table of the overall ranking of States by donor and donee status. This is based on the special report of the Tax Foundation called "Federal Tax Burden by State 1991," and "Federal Expenditures by State for Fiscal 1990," from the Economic and Statistics Administration, of the Bureau of the Census.

There is no way to avoid the extraordinary difference between what States have put in overall and what they get out.

I said more than once, if we begin to think about Federal expenditures in this way, then the words "donor" and "donee" will have not been heard for the last time on this Senate floor. It is something I regret. Not that we should not be cognizant of it, in one particular program or the other. But it militates against a sense of the rich complexity of our Federal-State relations, and makes for simplification. It makes for vulgarized judgments about local as against national interests.

Mr. President, we have discussed at great length the fact that the flow of funds into and out of the highway trust fund is not balanced for each State. Some States contribute more to the trust fund than they receive—the so-called donor States—and some receive more than they contribute. As such the highway program is like all Federal programs. But let us not look at this program in a vacuum.

For the past 15 years I have made a study of the Federal Fisc, the balance of payments between the States and the Federal Government. Not surprisingly, I have found that our Federal policies create so-called winners and losers. That is, States that run surpluses and States that run deficits with the Federal Government. In fiscal year 1990, 28 States ran a surplus; 22 suffered a balance-of-payments deficit. Mr. President, over the last decade and a half I have noted large regional disparities in this balance-of-payments calculation. The Middle Atlantic States, which include New York, New Jersey, and Pennsylvania, continue to run the largest balance-of-payments

deficit. While the States in the South and West continue, on balance, to run surpluses. New York, it should be noted, has the worst balance-of-payments deficit with the Federal Government. A deficit of over $21 billion.

Mr. President, it is not surprising that the Fisc is not in balance for each State. That is neither a practical nor efficient goal. But the persistence of regional disparities is troubling.

During this debate over the surface transportation bill too much time has been spent on the allocation formula. We are trying to create a transportation program for the next century—an important and a critical task. But if we must debate this, let us do so in context of the overall Fisc.

Mr. President, I ask unanimous consent that a table from my upcoming Fisc report listing the balance of payments for each State be printed in the RECORD.

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

STATES PER CAPITA BALANCE OF PAYMENTS—FISCAL YEAR 1990

[In millions of dollars]

State	Expenditure	Burden	State balance	Per capita balance	Per capita rank
DONOR STATES					
New Jersey	$28,322	$47,543	($19,221)	($2,487)	50
Connecticut	14,739	21,348	6,609	2,011	49
Delaware	2,149	3,403	1,254	1,883	48
New Hampshire	3,559	5,466	1,907	1,719	47
Illinois	36,696	54,247	17,551	1,535	46
New York	70,493	91,683	21,190	1,178	45
Michigan	29,205	38,880	9,675	1,041	44
Nevada	4,144	5,363	1,219	1,014	43
Wisconsin	14,928	18,770	3,842	785	42
Minnesota	15,073	18,151	3,078	704	41
Vermont	1,772	2,166	394	700	40
California	115,802	136,442	20,640	694	39
Indiana	16,915	20,111	3,196	576	38
Ohio	37,920	42,077	4,157	383	37
Pennsylvania	45,424	49,915	4,491	378	36
Georgia	21,149	23,514	2,365	365	35
North Carolina	20,172	22,586	2,414	364	34
Massachusetts	29,778	31,455	1,677	279	33
Texas	58,237	62,704	4,467	236	32
Oregon	9,826	10,416	590	208	31
Florida	51,359	53,834	2,475	191	30
Rhode Island	4,318	4,435	117	116	29
DONEE STATES					
Washington	20,149	20,111	38	8	28
Kansas	9,538	9,488	50	20	27
Iowa	9,962	9,901	61	22	26
Nebraska	6,092	5,672	420	266	25
Tennessee	18,049	16,707	1,342	275	24
Wyoming	1,855	1,650	205	452	23
Colorado	14,586	13,098	1,488	452	22
Maine	4,925	4,331	594	483	21
Oklahoma	11,804	10,107	1,697	540	20
Arkansas	8,250	6,807	1,443	614	19
Alaska	3,227	2,888	339	617	18
Louisiana	15,116	12,479	2,637	625	17
Hawaii	5,461	4,744	717	647	16
Kentucky	13,524	11,138	2,386	647	15
Arizona	15,072	12,479	2,593	708	14
Maryland	27,118	23,617	3,501	732	13
Idaho	3,888	2,991	897	891	12
West Virginia	6,609	4,950	1,659	925	11
South Carolina	13,664	10,313	3,351	961	10
Missouri	24,258	19,285	4,973	972	9
South Dakota	2,863	2,166	697	1,002	8
Utah	6,511	4,744	1,767	1,026	7
Montana	3,345	2,475	870	1,089	6
Alabama	17,261	12,273	4,988	1,235	5
North Dakota	2,910	2,063	847	1,327	4

STATES PER CAPITA BALANCE OF PAYMENTS—FISCAL YEAR 1990—Continued

[In millions of dollars]

State	Expenditure	Burden	State balance	Per capita balance	Per capita rank
Mississippi	10,066	6,188	3,878	1,507	3
Virginia	36,346	26,401	9,945	1,607	2
New Mexico	8,640	4,435	4,205	2,776	1

Sources: "Federal Tax Burden by State 1991." Special Report of the Tax Foundation, March 1991. "Federal Expenditures by State for Fiscal Year 1990." Economics and Statistics Administration, Bureau of the Census, U.S. Department of Commerce.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I support what the distinguished Senator from New York just said, and repeat that I have been instructed by the Republican leader, the Republican side of the aisle has cleared all amendments. We are prepared to go to third reading.

Before I give back the floor I want to say I have discussed the issue I brought before the Senate the other day when the Byrd amendment was being discussed—that is the obligation ceiling with respect to minimum allocation funds—with both Chairman SASSER and ranking member DOMENICI of the Budget Committee, of which I am a member.

I believe sooner or later this committee and the Budget Committee need to recognize, as the donor-donee State issue continues to be debated and the minimum allocation has been raised up to 85 percent—and it could be raised even further—it will be important that at some point the Senate amend the act so all these funds and all these States are treated equally so as to have a minimum allocation in the overall obligation ceiling in order to have a fair, even distribution of those funds.

Since the inception of the minimum allocation program, which we accepted—and this happened when I was chairman of this committee in 1982 and it has been unique within the Federal Aid Highway Program—the minimum allocation funds can be used on any highway project. The funds have been exempt from the obligation limitation which control spending for almost all other accounts of the highway program. Only minimum allocation and emergency relief funds.

I think that is an issue. I just want the record to show we recognize under the current bill that all States are held harmless. I think there is no problem for this 5 years, but this does need to be addressed.

I talked to Chairman SASSER about it this morning. He agreed he would look at this carefully, and it could even be looked at next year when the budget resolution comes up, to make it fair for all States.

I said this morning—and the Senator from New York and I discussed this—this may be the last national highway bill that passes. If we get this one passed. Because constantly, as States become more sensitive and the hometown politics become more sensitive to how much bacon everybody brings home, it could be we will reach a point where all we can do is just do like the old revenue sharing program, send all the money back home and not have a national highway program.

That would be regrettable, in my view, because we would end up with numerous charges and fees and tolls and what-have-you to drive across State borders. But it could happen if we cannot continue to recognize there is a great virtue and value in a national highway program so all Americans can enjoy the benefits of good roads in all States.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like completely to agree with the Senator from Idaho, who has been standing guard with me here for a long time.

We may get this bill and we may not. As this fragmentation goes on, we may never get a bill again. The only thing on which I disagree with the Senator—and I think if he thought about it he would not necessarily disagree with me—is that he says the money will go back, as in the form of revenue sharing. I do not think that money will ever leave Washington. It will stay right here.

Mr. SYMMS. Mr. President, that may well be the case. But I meant in the next 5-year cycle. I agree with the Senator from New York, if this bill does not pass, there will just be a big balloon in all the other myriad of programs and the highways and infrastructure would suffer enormously. But I am looking down the road 5 years. This struggle is becoming more difficult for each bill we have had, from 1982 to 1986, 1987——

Mr. MOYNIHAN. I have been here since 1977.

Mr. SYMMS. It is getting harder, not easier, in this body to get a bill through.

I hope there will be no other amendments.

Mr. MOYNIHAN. Mr. President, sharing that hope, I ask unanimous consent to have printed in the RECORD at this point a letter from the mayor of the city of New York. It has to do with a provision in the committee amendment adopted earlier.

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

THE CITY OF NEW YORK,
New York, NY, June 19, 1991.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I write to ask your assistance in obtaining a declaration of non-navigability for Pier A just north of Battery Park City. This has been the subject of discussions between your staff, representatives of the New York City Public Development Corporation and Deputy Mayor Barbara Fife.

This declaration is necessary in order to allow the City of New York to advance its goal of rehabilitating this historic pier, and to ensure public access to the waterfront in an area that is the hub for several national historic landmarks and monuments.

For ten years the City has had a vision of transforming this derelict and dilapidated pier—built in 1886—into a significant public place. The declaration is necessary to put the City and the developer, who was selected through a public process, in a position to obtain financing for the project.

Pier A, when renovated, will be one of the most outstanding public places on the waterfront. It will include restaurants, a Harbor Park Visitors Center which is funded by New York State, transient docking facilities and a public walkway along the pier which will bring New Yorkers, other Americans and visitors from abroad to a sweeping view of New York Harbor and its great national monuments, the Statue of Liberty and Ellis Island.

I feel that it is in the public interest to make this wonderful possibility a reality and hope you will be able to assist us.

Sincerely,

DAVID N. DINKINS,
Mayor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I rise for purposes of offering an amendment. Before doing so I would like to raise some concerns about the sense-of-the-Senate amendment which we adopted while most of us were off the floor.

I was assuming we would have an amendment offered by the Senator from Kansas [Mr. DOLE], to deal with the issue of the appropriate measure of effort, whether it should be gasoline alone, as is in the amendment that was adopted, or whether it should be a broader representation.

I gather what we are doing in lieu of that, and maybe one of the managers could comment as to whether I am correct, is we have adopted a sense of the Senate to our own conferees that they should consider the Byrd amendment to be modified so as to reflect each State's total effort for highways as described in amendment No. 334, which was an amendment offered on June 13, of a study of State level of effort, which study is to include income from fuel taxes, toll revenues including bridge and ferry tolls, sales taxes, general fund appropriations, property taxes, bonds and administrative fees, taxes on commercial vehicles, and other appropriate State and local revenue sources; that we are to take all of those into account; and also per capita disposable income, as well as taking into account the effect of such apportionment formula on energy conservation, energy security, and environmental quality.

I might say I find some humor in this amendment because last night we were battered with the accusation that if we included those kinds of factors, such as the amount of fuel consumed, particularly diesel fuel, that represented a retreat from our energy security, that we were turning the world over to the OPEC, and we were about to enter an environmental chamber of horrors.

And now today we have an amendment which is expanding a previously adopted amendment, indicating that most of those are appropriate factors. I note that just for the RECORD, Mr. President.

But my concern is that in the original amendment as developed by Senator DOLE and Senator MITCHELL, when that was put into columns of allocation, the effect was that States like the Presiding Officer's and mine, who thought we did not have a dog in that fight because we were not getting any money anyway, and it could be a pure matter of policy, what we found out is that we did have a dog in that fight because by changing who the beneficiaries were under the level of effort formula, we changed the playing field for the application of minimum allocation. And the effect was that the donor States became significant losers; we had to make further donations.

So I guess my question to the managers is: "Are they going to interpret this sense of the Senate as a directive that they must adopt a set of calculations that changes the donor-donee relationship in such a way that the donors get to contribute even more toward the donee States' highway system?"

I wonder if one of the managers will comment as to how they interpret this sense-of-the-Senate resolution that we just adopted, and as conferees, knowing that they both will be conferees, will they consider themselves to be so guided?

Mr. SYMMS. Mr. President, will the Senator yield for an answer?

Mr. GRAHAM. I yield.

Mr. SYMMS. The Republican leader and the majority leader have offered a sense-of-the-Senate resolution which asks that the conferees should consider, and then the President pro tempore amended it off the floor, so it is included in their amendments to read:

* * * each State's ability to finance its total effort for highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of such apportionment formula on energy conservation, energy security, and environmental quality.

The charts they ran last night when they were considering having this as an amendment would have added $70 million to Florida's apportionment if their amendment had been agreed to. That is their estimate.

I am not the author of the amendment. The majority leader and the Republican leader are not on the floor to defend the question. But I am doing the best I can to answer the question of the Senator.

Mr. GRAHAM. As I understand the numbers, and I have just received them, and I will use for purposes of example the State of the Presiding Officer, a State which has long donated substantial funds—his State is a State that does not participate—excuse me. I strike that statement, because the Senator from North Carolina does, in fact, participate under the allocation of incentive funds.

Mr. SYMMS. Will the Senator yield? Maybe I can elaborate on that answer a little bit.

Mr. President, I think what I am trying to say is that is one assumption. This sense of the Senate does not pin the committee down or the conferees down to any particular assumption or formula. But we can assume many things have many formulas.

All I can say is, as one who will be a conferee on this, that we will try to look out for all States in the country the best we can to see that there is a fair and equitable apportionment of the funds.

The Senator from Florida has made it very clear that he does not believe, as his colleague from Florida has stated, also, that the apportionment formula treats Florida as fairly as they believe they should be treated. I respect that. I recognize they feel that way. We will try to do nothing in the Senate that would end up having them treated any worse than they are being treated. Or at least they will be treated as well as, I should say, as they are treated in this bill. I think that is what the conferees will try to do.

I do not see that the sense-of-the-Senate resolution offered by Senator DOLE and Senator MITCHELL says anything other than the fact that Senators should consider a State's effort, and I referred to it earlier this morning before this was agreed to as the Byrd-Dole position.

Senator BYRD made it clear he wanted to try to reward States that had a higher level of effort fixing their roads than other States. That is the general statement. I see the distinguished President pro tempore is on the floor. He wanted to reward the States who made a higher level of effort to fix their roads and infrastructure, considering also their level of per capita income.

It is clearly stated in this sense-of-the-Senate resolution, which I just read, in the Byrd language that is added to the Dole-Mitchell language. But it is sense-of-the-Senate language, I say to my colleague.

Mr. GRAHAM. What concerns me is how the conferees are going to take this demand that they have just received. It says:

It is the sense of the Senate that the conferees on this bill should consider section 159 of title 23, United States Code, as it appears in amendment 295—

The Byrd amendment—

as amended so as to determine each State's total apportionments under section 159 of title 23 U.S.C. in a way that reflects each

State's total effort for highways as described in Amendment No. 334.

Here is amendment 334. Amendment 334, which was adopted on the 13th of June, states, and it is a study of a level of effort amendment; what should be studied. What should be studied is income for fuel taxes, toll revenues, including bridges, 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.

So I assume that in lieu of the single factor of gasoline, which was in the Byrd amendment, that now we have adopted the list of items which are in Amendment 334.

If that is not correct, could someone explain what this language means?

Mr. BYRD. Will the Senator yield?

Mr. GRAHAM. Yes.

Mr. BYRD. Mr. President, the Byrd amendment had two parts to its gasoline tax element. One dealt with the gasoline tax of a particular State and whether it was above or below the average gasoline tax paid throughout the country; namely, 17.43 cents. But it also tied in the element of per capita disposable income so that the two factors together would assure States that were making an effort, of the totality of the effort, which would include the per capita disposable income. Some States are richer than others, and those that are not as rich are really making a more supreme effort, on balance, if they do so in light of the fact their per capita disposable income is lower than the national average, which is $14,303.

Let me get right to the point of the Senator's question. A sense-of-the-Senate resolution is not legally binding. It is nothing more than advisory in nature. It expresses a sense of the Senate. It can be totally disregarded. Even if this were an instruction to Senate conferees—which it is not—Senate conferees are not bound to obey the instructions of the Senate in that regard.

It asks the conferees, or it says that they should "consider." That is all it does. It is a sense of the Senate which can be totally disregarded. I am not talking just about this particular resolution, but any sense-of-the-Senate resolution can be totally disregarded. It has no binding effect whatsoever legally or otherwise.

Even if it were an instruction, even if someone moved to instruct the conferees of the Senate, which motion would be open to amendment in two degrees, the conferees could go to the conference and throw those instructions on the floor and say the heck with them.

They are not bound to listen to the Senate's instructions. They might be inclined to consider them, as I think they ought to. They ought to consider them. But having considered them, they might say, well, we have considered them and that is it.

So if the Senator is concerned about the sense-of-the-Senate resolution, my response on that point will stand in the RECORD in explanation of any sense-of-the-Senate resolution. My explanation with respect to instructions to conferees—which are not included here—will stand in the RECORD as covering all instructions to conferees by the Senate at any time.

Mr. SYMMS. Mr. President, if the Senator will yield.

Mr. GRAHAM. If I could just comment maybe in the nature of a further question, and then I will yield to either the Senator from West Virginia or the Senator from Idaho, the language "should consider" is not a general statement that the conferees should take this into account. What the language is, is it should consider the Byrd amendment, as amended. In other words, they go to conference with the Byrd amendment, which should be considered to have been amended.

Mr. BYRD. It was amended. The Byrd amendment was amended.

Mr. GRAHAM. But "so as to determine each State's total portion under section 159 in a way that reflects each State's total effort for highways as described in amendment 334." The Senate never voted to amend the Byrd amendment in a manner consistent with the set of items contained in amendment 334. We never amended the gasoline only provision to include total revenues, including fuel taxes, bridge and ferry tolls, sales taxes, general fund appropriations, et cetera. And the consequence of sending our conferees to the conference with a directive that they should consider——

Mr. BYRD. It is not directing. It does not direct the conferees to do anything.

Mr. GRAHAM. Could we consider this to be a nullity? What is the meaning of having adopted this sense of the Senate?

Mr. BYRD. I have just explained it. It does not direct them. Read it.

Mr. GRAHAM. It says it is the sense of the Senate that the conferees on this bill should consider section 159 as amended.

Mr. BYRD. Right. That is not a directive. There is a great deal of difference in the word "consider" and the word "direct", and even if the word "direct" were in this sense-of-the-Senate resolution, it would not bind the Senate conferees.

Mr. GRAHAM. It is the opinion of the sponsor of the underlying amendment that this is a nullity? It means a substantial amount of money. For instance, the Presiding Officer's State under the amendment as it was voted on in the Senate, as opposed to the language that this sense of the Senate seems to require the conferees to consider, means a difference to the State of North Carolina of $163 million. So if this is a nullity, if it is just a statement of good feelings, a means of not offering a specific amendment, then let us describe it as such and have the understanding that the managers who will be leading the Senate conference will so consider it.

Mr. SYMMS. If the Senator will yield, let me make an attempt at that.

Mr. President, the way I will look at this as a conferee is that I will consider the language in the sense-of-the-Senate resolution that is principally authored by the majority leader, by the minority leader, and by the distinguished President pro tempore and chairman of the Appropriations Committee. Now, Senators are going to consider this language. That is what they are going to do, consider it.

No. 2, as a Member of the Senate, I would have to say that no Floridian should feel that the Senator from Florida has not made his level best effort, along with his able colleague, Senator MACK, to make a case for the State of Florida. I believe the Senator is ahead right now with those of us who will be conferees, that we have heard the Senator very loud and clear for 10 days. I do not know what more Senators can say. But I would implore and appeal to my colleague that we understand his concern. His colleague has made a similar case. The President pro tempore has added language to the Dole amendment, which is a sense of the Senate which says we should consider. We will consider it. I repeat, we will consider what the distinguished President pro tempore, the distinguished majority leader, and the distinguished minority leader have said to us. We are not bound by anything. But we also are not going to go to conference and ignore the very able case that the Senator from Florida and others, Senator WARNER and Senator BENTSEN, have made with respect to minimum allocation States. We understand that. That is the way the conference process works.

I think the Senator is ahead right now is what I am telling him. I think that we should move this bill. It is time now to go ahead with the bill, go to third reading, agree to a time certain that we can vote on this, as soon as possible, and be done with it. The Senator's interests and his State's interests will be well served by that. He has made a very able case. No Floridian should ever say that BOB GRAHAM and CONNIE MACK did not make the case for the State of Florida on the floor of the Senate. I think my colleagues will agree with that.

Mr. GRAHAM. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GRAHAM. I am going to take those words as reassurance that we are

not, by a casually adopted sense of the Senate, about to change relationships that were the subject of a week or more of intense negotiations. I am pleased that the Senator from West Virginia as well as the managers of the bill have made comments to that effect.

AMENDMENT NO. 362

(Purpose: To increase the obligation ceilings contained in S. 1204 to match the increased funding approved in the Byrd amendment)

Mr. GRAHAM. Mr. President, I am now ready to offer an amendment which goes to the relationship between the amendment as offered by the Senator from West Virginia, our Senate President pro tempore, and the basic bill as it came from the committee. I and others have used the analogy of the tail and the dog. We had the dog that came out of the committee, a bulldog without a tail, and since that dog has been here, we have added a long Irish setter's tail to this bulldog. We have, however, not completely integrated the Irish setter's tail onto the bulldog because we have continued to carry over some of the concepts of the original bill into our new tailed dog.

One of those that concerns me is the obligation ceiling. On page 8 of the bill as reported by committee, line 16, we have section 104, which is the general obligation ceiling, which states: "Notwithstanding any other provision of law, the total of all obligations for Federal aid highway programs shall not exceed," and then a number is stipulated in each year from 1992 to 1996, inclusive. Those numbers reflect the level of expected spending under the bill as it was reported by the committee. Since that time we have added approximately $8.2 billion to the total level of spending. So I would propose that, in recognition of that and to maintain consistency, we amend those obligation ceilings in the 4 affected years, that is, in fiscal years 1993 through 1996, to reflect the balance that would be required to fund the amendment of Senator BYRD as well as the base bill as reported by the committee.

To that end, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes as amendment numbered 362.

Mr. GRAHAM. 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 8, line 21, strike "$15,940,000,000" and insert "$16,721,000,000".

On page 8, line 22, strike "$16,840,000,000" and insert "$18,726,000,000".

On page 8, line 23, strike "$18,410,000,000" and insert "$20,687,000,000".

On page 8, line 24, strike "$20,190,000,000" and insert "$23,467,000,000".

Mr. GRAHAM. Mr. President, I will withhold any further comment until later. The basic purpose of this amendment is to amend the obligation ceilings to be consistent with the new level of appropriation as has been authorized by virtue of the amendment previously adopted by the President pro tempore.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will not detain the Senate more than a very few minutes.

First, let me be sure that the distinguished Senator from Florida, Mr. GRAHAM, understands the meaning of the words in the sense-of-the-Senate resolution—the words "amendment No. 295 as amended." Let me explain this way.

I offered an amendment in the first degree, and a second-degree amendment which was modified a number of times, and then was agreed upon as modified, by rollcall vote. That was the second-degree amendment. Although technically not being a substitute, in essence it really had the effect of being a substitute for the first-degree amendment, and virtually wiped it out. But there still remained the parliamentary necessity of voting on the first-degree amendment as amended by the second-degree amendment. The yeas or nays were vitiated by the majority leader, and we did it by a voice vote.

So we agreed to the Byrd amendment as amended. That was the Byrd amendment No. 1, as amended by the Byrd amendment as modified, No. 2. So that is what those words mean, if they were giving the Senator any problem.

Mr. GRAHAM. Will the Senator yield for a brief question?

Mr. BYRD. Absolutely.

Mr. GRAHAM. Would the sentence read as the Senator from West Virginia thinks it should read if there were commas inserted after the "No. 295" and after the word "amended," so that that was clearly related back to amendment No. 295, and not intended to start a new thought?

Mr. BYRD. I would have no objection to a comma after the word "amended", No. 295 as amended, comma. But I do not think a comma would be needed after the number 295. I do not think a comma following 295 is required. But in any event, even without the commas, I think the language is perfectly clear. If anybody has any doubt, they can read what I have just said. That is precisely the case.

As to changing the obligation ceilings, I would also point out that the Appropriations Committee will decide what obligation ceilings it can meet, based on the outlays that will be available.

The Appropriations Committee may not be able to reach these figures, even as they are presently set forth in the bill. The Senate Appropriations Committee may not be able to meet them because the outlays simply may not be available. That often happens.

As far as I am concerned, I do not particularly recommend that we adopt this amendment, although I do not think it will make any difference one way or the other because in any event the outlays, in the final analysis, are going to govern the Appropriations Committee's decisions and actions in this respect.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I think the distinguished chairman of the Appropriations Committee has really explained it correctly. I do not know for sure whether there is any opposition from the ranking member on our committee and the other members of the committee on our side.

This came to us. This is the first I have seen it. I think in effect this has no impact. I think that is essentially what the Senator from West Virginia has said. It has zero impact on the bill. For some they may look upon it, and, say, well it raises the obligation limitation. I would prefer if we did not offer any more amendments, and not have any more amendments on the bill at this late hour. But I guess I would like to note the absence of a quorum, and then consult with the leadership to be sure that they agree with my analysis of this. Then we may have no objection to it.

Mr. BYRD. I suggest we go ahead and accept the amendment. As I have already explained it, if the outlays are not there, we will not be able to meet those ceilings. We will not even be able to meet the obligation ceilings that are in this bill if the outlays are not forthcoming. But in the event the outlays are there over the next 4 years, a higher ceiling, as far as this Senator is concerned, would be all right. I just have some difficulty in believing that we are going to be able to reach those ceilings.

Mr. SYMMS. Mr. President, in view of the fact it has no budgetary impact—is what the Senator from West Virginia is actually stating, unless we have the money—it will not be appropriated, it will have no impact, and does not disrupt anything. I guess there is no opposition to the 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 Florida.

The amendment (No. 362) was agreed to.

Mr. GRAHAM. Mr. President, as I indicated earlier, my purpose is to try to make the shepherd's tail a firmer part of our bulldog's body. We have just taken maybe a symbolic, but I think

more than symbolic, step to that objective because at least we are not concluding action on this bill with a statement that the maximum amount that can be expended is less than would be necessary in order to fully meet our commitments under both the Moynihan-Symms provision as it came from committee, and the Byrd amendment, as amended, which we have added on the floor.

Now the numbers provide to us the latitude to fully—now, Mr. President, I am clearly moving to a more serious and substantive matter. That is that I want to obliterate this distinction between the tail and the dog, and the comments made by the Senator from West Virginia make my case; that is, the high degree of apprehension, concern, as to whether we are going to be able to fully fund this program.

The way the bill is currently structured, the dog is fully fed. The dog for instance in the year 1996 will get $20.2 billion fully fed under the program before the tail, which in that year will be approximately $3.3 billion, gets the least morsel.

So those States that have a lot riding on that tail, who are particularly the minimum allocation States, almost 40 percent of the States in the Nation, are subject to having their expectations as well as their tail cut off.

So, Mr. President, I have an amendment which would graft, in the firmest possible way, the tail to the dog. It is an amendment which alters language that is currently in the bill that states that the funding under the Byrd amendment would be in a separate and secondary category, and that the funding in the base bill would be fed fully first.

The change necessary to accomplish this is really a three-word change. At section 159(d)(1)(A) of the Byrd amendment, the language appears that funding will occur other than for the Byrd amendment. I would strike the words, "other than," and insert the word, "including", which would then place the Byrd language in parity with the balance of the bill.

The consequence of that, Mr. President, is that if we do not have $23.1 billion for the program in fiscal year 1996, every part of the dog is going to have to suffer—the nose will suffer, the ears will suffer, the feet, as well as the tail. They will all suffer on a proportionate basis. Therefore, those States that have the vast majority of their Federal highway funds in the front end of the dog will be treated the same way as those of us who have a disproportionate amount of our highways at the rear of the dog.

Mr. President, I have discussed this matter with the Parliamentarian. It is possible to offer this amendment. It will require a rather extensive amendment, many hundreds of words, as opposed to three words, in order to accomplish that fact.

I am going to ask unanimous consent to be able to offer the short form amendment, which I would be pleased, before offering, to distribute to the managers. If I can get agreement to offer this in this short form version, I will do so. If not, I will offer it in the longer version.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield the floor?

Mr. GRAHAM. No, but I will yield to the Senator from New York for any questions or comments.

Mr. MOYNIHAN. Mr. President, I have no comment.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be able to offer the amendment in the form which I now send to the desk.

Mr. MOYNIHAN. Reserving the right to object, Mr. President, I object.

The PRESIDING OFFICER. The Senator from New York has raised objection. The objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, while we are working this out—and I want the Senator from Florida to know that I am doing this—a question arose yesterday on this business of the dog. The Senator was going to change the way in which the funds were allocated on the basis of the FAST program, if he will recall. On repeated occasions, the Senator from Florida assured the Senate that consumption of petroleum only related to one-third of the outlays provided in that measure.

He said:

> We do not have in this legislation what the administration had, which is that 70 percent of the formula would be on motor fuel use. The only factor that we have in here that relates to consumption is one-third * * *

Again, I am trying to speak to the difficulties of this. He said, responding to comments that it was higher:

> The most consistent criticism that has been made about our proposal is that it would, in some bizarre way, encourage fuel consumption because fuel consumption is a factor in the formula. Where is it a factor in the formula? One-third of the formula for distributing the National Highway System money is diesel fuel.

And that is it.

Later referring to this question as a false issue, he said:

> The fact is I think that the Senator from New York has confused this amendment with the administration's proposal. It is correct that the administration under its national highway program would have used motor fuel usage to allocate 70 percent, that would have been 70 percent of the allocation factor. That is not a factor in our national highway program. Our national highway program is * * * one-third diesel * * *

And again, that third term arises.

I want to be clear that nobody is in any way to blame when the confusion arises, because we have such a weak basic data set here. This is all new to so many people.

But, sir, I have a letter here from Gene McCormick, the Deputy Administrator of the Federal Highway Administration, who is the one official in town of the Department of Transportation, and he says, "Pursuant to our conversation"—I called him this morning and said, "What is it? I cannot leave it unresolved that I said one thing and the Senator from Florida said another thing." I believe the Senator from Florida felt that this had been a misrepresentation on the part of the manager of the bill.

So, Mr. McCormick writes:

> Pursaunt to our conversation this morning, please find below my analysis of the relationship between the apportionment formulas in the Graham amendment No. 357 offered to S. 1204 yesterday and motor fuel consumption.

I will not go through the endless detail as I could.

"In combination, therefore, about five-sixths of the apportionments from two major apportioned programs in the Graham amendment are related to motor fuel consumption," which would be 83 percent.

This was done in the spirit that we have of saying that to the Federal Highway Administration, "You be the arbiters here."

Mr. GRAHAM. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

First, I ask unanimous consent that these be printed in the RECORD.

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

DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
Washington, DC, June 19, 1991.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: Pursuant to our conversation this morning, please find below my analysis of the relationship between the apportionment formulas in the Graham Amendment #357 offered to S. 1204 yesterday and motor fuel consumption.

Within the Graham Amendment, the apportionments of the National Highway and Bridge System Program and of the Urban and Rural and Highway and Bridge Program are equal.

Within the National Highway and Bridge System Program the apportionment is based on the following:

One-ninth each in the ratio which the rural lane miles and rural vehicle miles traveled in each State bears to those of all States;

Two-ninths each in the ratio which the urban lane miles and urban vehicle miles traveled in each State bears to those of all States; and

Three-ninths in the ratio which diesel fuel consumed in each State bears to that consumed in all States.

As a result, three-ninths of this program's funds are apportioned according to vehicle miles traveled, which is directly related to fuel consumption, and three-ninths are directly related to diesel fuel consumption.

Within the Graham Amendment, the Urban and Rural Highway and Bridge System Program funds are apportioned according to the ratio of attributable tax payments to the Highway Trust Fund.

In combination, therefore, about five-sixths of the apportionments from the two major apportioned programs in the Graham Amendment are related to motor fuel consumption.

Sincerely yours,

GENE MCCORMICK,
Deputy Administrator.

[From the CONGRESSIONAL RECORD, June 18, 1991]

Mr. GRAHAM. No. 2 is the false issue that this approach is going to be promoting fuel consumption. The fact is I think that the Senator from New York has confused this amendment with the administration's proposal. It is correct that the administration under its national highway program would have used motor fuel usage to allocate 70 percent, that would have been 70 percent of the allocation factor. That is not a factor in our national highway program. Our national highway program is one-third lane miles, one-third vehicle miles traveled, and one-third diesel fuel, I underscore diesel fuel used, and that it weights urban lane miles and urban vehicle miles traveled twice representing the greater cost of providing highways in an urban setting.

* * * * *

Mr. GRAHAM. The most consistent criticism that has been made about our proposal is that it would, in some bizarre way, encourage fuel consumption because fuel consumption is a factor in the formula. Where is it a factor in the formula? One-third of the formula for distributing the National Highway System money is diesel fuel. Why do we use diesel fuel? Because that is the most direct proxy, as recommended by the General Accounting Office, as well as State highway officials, for truck traffic.

* * * * *

Mr. GRAHAM. We do not have in this legislation what the administration had, which is that 70 percent of the formula would be on motor fuel use. The only factor that we have in here that relates to consumption is one-third of the National Highway Act would be on diesel fuel, and the reason that we have diesel fuel is because that is the most relevant proxy to truck traffic . . .

Mr. MOYNIHAN. There will be one little factual matter that will be resolved before we are through.

The PRESIDING OFFICER. Does the Senator from New York yield the floor?

Mr. MOYNIHAN. Yes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. First, I reject the basic premise upon which this fact is offered, the premise that because you use a factor which relates most directly to highway usage—and clearly one of those factors is the amount of fuel purchased—the only purpose of purchasing the fuel being to drive your car or drive your truck and, therefore, if you are trying to assess how much use is being made of the highways one of the clearest ways to do it, other than have a legion of counters out at every corner clicking off the mileage by vehicle, is to calculate the amount of fuel consumed within that particular jurisdiction.

I would imagine the Senator's State of New York—I know my State of Florida—allocates funds to its cities and counties with a factor of the amount of fuel consumed within that local jurisdiction as a factor.

Mr. MOYNIHAN. We do not.

Mr. GRAHAM. New York may be aberrant and may not do so.

Mr. MOYNIHAN. Does the Senator mean in returning State gasoline funds?

Mr. GRAHAM. Returning State gasoline funds.

It is a formula which the General Accounting Office recognized and recommended and which the State highways officials recognized and recommended.

The assumption of some of those who have discussed this in a negative way is it creates the perverse incentive that a State would want to go out and put up big billboards that say "drive your heavy trucks across my highways so you will buy more diesel fuel within my State."

The fact is, one large truck does as much damage to the highways as 9,600 standard passenger vehicles. So a State would have to be engaging in something approaching lunancy to be advocating more trucks in order to get more diesel fuel, since it is those very trucks which are contributing primarily toward the maintenance problems of the bridges and the highways.

So I start with the premise that this is a totally fatuous argument that there is a relationship between States' incentive to encourage more consumption and the use of that consumption as a relevant rational factor in attempting to assess highway maintenance and needs.

Having said that, the amendment I offered last night, which is the amendment called the Federal Aid Surface Transportation Act, or FAST, an amendment developed by State highway officials—it was not developed within the beltway, so I guess that means it is suspect: it cannot be wise if we did not do it, somebody else had an idea, somebody else knew something—and was a rational way to meet a national transportation need. They should not have been so presumptious, but they were.

What was their formula? They divided the funds after having provided for the completion of the Interstate System into essentially two accounts. One was a national highway account which would provide the funding for almost 4,000 miles of interstate, plus an additional amount to bring the National Highway System up to a range of 150,000 to 180,000 miles.

How would funds be allocated in order to maintain and expand the capacity of that National Highway System? One-third would be on lane miles, the number of miles you actually have out there that people are using. That would seem to be a rational factor. One-third is on vehicle miles traveled, another rational factor. The other one-third, which the proposal of the Senator from New York does not touch—and we can have a debate as to whether it is appropriate—is diesel fuel.

One-third of the allocation of the funds for the National Highway System would be on the amount of diesel fuel sold within your State. Why is that factor there? Because diesel fuel is the best proxy available for the amount of commercial truck traffic which has all those implications to the Highway System that I have just alluded to.

So it is, in my opinion, a rational factor. It is a factor which is not going to encourage States to put up those big billboards and say: "Bring your Kenworths here; we want to sell you more diesel fuel." It is a formula that would assist us in allocating funds to the 50 States, the District of Columbia, and Puerto Rico in somewhat of a rational formula.

The other half of the funds under this proposal is the urban rural road and bridge program. It is intended to allow the States to meet their needs on the remainder of its highway system. We currently have approximately 850,000 miles of Federal aid highway in America. We are going to put roughly one-sixth of that on the National Highway System. This would allow you to use the balance of this money, an equal amount on the other five-sixths of what is now the Federal-aid Highway System.

How do we propose to allocate that? We propose to do it in relationship to your contributions to the highway trust fund. You are a State that sells a lot of tires, on which there is a Federal tax that goes into the Federal highway trust fund. If you sell diesel fuel, gasoline, other things upon which there is a Federal tax that goes into the trust fund, you get back whatever your contribution was on the assumption that there is a relationship between what you contribute in those things that are used on the Highway System and what you get back in terms of your ability to support that five-sixth of the Federal-aid Highway System that would no longer be on National Highway System.

In lieu of that formula, if you think it is rational everything in the world has to be compared with an alternative, everything has to be judged not just absolutely but also relatively. So what we are proposing is as the alternative to that.

Here is what we are going to do. We are going to take the formula by which funds were distributed from 1987 to

1991, calculate how much funds each State got under that formula. Then we are going to subtract various items that are intended to eliminate abnormalities. One of those, for instance, is interstate construction.

If you happen to be a State like mine—and I had been parochial—which was relatively late in completing its Interstate System, one of the largest projects that has been under construction during this period has been Highway 595 in Broward County, FL.

If you happen to be one of those States which has been dumping a disproportionate amount of Federal funds into completing the interstate, you are going to have a bigger than normal subtract factor. But that is the way the formula works.

After you arrive at this amount that you are credited for 1987 to 1991, then you get the same percentage in 1992 to 1996 as you got in that previous 5-year period.

You can say that sounds pretty fair, you get for the next 5 years what you got for the last 5 years with these adjustments.

Let us go back and let us look at what was the formula by which we distributed this money from 1987 to 1991 and let us ask which is more rational, the formula I just described, which focuses on factors that relate directly to highway usage, relate directly to the type of impact various types of users are likely to have on the system. Here is the formula that distributed the money from 1987 to 1991 and will be used to distribute the money from 1992 to 1996.

We are going to use them on Interstate 4-R. We distributed money based on lane miles and vehicle miles traveled. That sounds fairly rational.

For the primary road system we did it on the area of the State. So if you happen to be a big State like Alaska, you got a big factor in terms of your allocation of those primary funds regardless of whether there were vehicles that were out there in proportional numbers to use.

We did it on postal route mileage, a 1916 factor. We took the number of postal miles in 1916 and we are going to use those to distribute Federal funds in 1996.

For the secondary roads we again used area and we used population. What population are we going to use, Mr. President?

Are we going to use the population of the census of 1990? We are talking about fiscal years 1992 to 1996, so we are certainly going to use the 1990 census, if not some even more current adjustment. But, no; that is not what we are going to use. We are going to use the 1980 census.

Mr. President, I know that you share my sense of shock and appall at the very fact that we would tell the American people that in 1996 we are going to be distributing over $20 billion of their money based on a 1980 census. Under the urban provision, the only factor in the current law and the one that we are carrying forward is urban population. So again we will be riveting in the 1980 urban population for purposes of distribution in 1996.

And under bridges, we have cost of deficient bridges, which means that those States that had the worst bridge situation and the highest cost to fix their bridges get a reward, a big bonus. And that is what we have been doing over the past 5 years is rewarding exactly those States. Some States, Mr. President, have gotten two and three times more for their bridge program than they contributed to the fund because they had allowed their bridges to deteriorate. I do not think that is the right kind of incentive.

Now, if the senior Senator from New York, the manager of this bill, wants to debate the relative rationality, fairness, equity, and just plain common sense of the FAST approach as developed by State highway officials outside the beltway as against this approach that says the way to allocate money is the 1916 postal route number and a 1980 census number, I will stay here until we hear John Philip Sousa strike up "Stars and Stripes Forever" on the Fourth of July.

I would look forward with great anticipation and expectation of humor, literature, great eloquence, but very few numbers to support the principle that the approach that is recommended by the committee is a more sensible way to assess national highway needs than that which is recommended by most of the States' highway leadership.

So, Mr. President, with that response, I suggest the absence of a quorum. When I return, I intend to offer, in some form, the amendment that I discussed a few moments ago.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that Senator GRAHAM of Florida be recognized to offer an amendment regarding parity between the funds allocated under S. 1204 and the Byrd amendment No. 296, as modified; that there be 2 hours for debate on that amendment, 90 minutes under the control of Senator GRAHAM and 30 minutes under the control of Senator MOYNIHAN; that upon the completion of the debate on that amendment it be laid aside and Senator GRAHAM of Florida be recognized to offer an amendment regarding parity between maintenance and capacity enhancement; that there be 1 hour for debate on that amendment, 45 minutes under the control of Senator GRAHAM and 15 minutes under the control of Senator MOYNIHAN; that the amendments be in order notwithstanding the fact they may be amending previously amended language; that no second-degree amendments or amendments to possible language proposed to be stricken be in order; that if and only if both of these two amendments are tabled or defeated than no further amendments or motions to recommit be in order to the bill; and that upon the tabling or defeat of the second Graham amendment, if both amendments are tabled or defeated, the Senate, without any intervening action or debate, proceed to third reading and final passage of the bill; and that upon completion of all debate the Senate vote on or in relation to the first Graham amendment, that vote to be followed without any intervening action with a vote on or in relation to the second Graham amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the majority leader?

Without objection, it is so ordered.

Mr. MITCHELL. Madam President, if I might now state for the information of Senators, at approximately 7:35 there will be at least two votes, one on each of the two Graham amendments. If both of those amendments are tabled or defeated, then immediately following the tabling or defeat of the second of the two amendments the Senate will vote on final passage of the bill. If either or both of those amendments are not tabled or are passed, then the bill will be open for further amendment and we will continue in deliberation on the bill.

Therefore, to accommodate their schedules, Senators should be aware that at approximately 7:35, or 3 hours from now, there will be at least two rollcall votes on or in relation to the Graham amendments and possibly three rollcall votes, the latter to include final passage in the event of two Graham amendments are tabled or defeated.

Madam President, I thank my colleagues, the Senator from Florida, the distinguished manager, the Senator from New York, and the Senator from Idaho.

Mr. SYMMS. Madam President, may we ask for the yeas and nays on final passage? I have had Senators ask that, just so it is ordered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes Senator GRAHAM of Florida.

AMENDMENT NO. 363

(Purpose: To provide a proportionate distribution of Federal highway obligation authority among all programs authorized under S. 1204)

Mr. GRAHAM. Madam 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 Florida [Mr. GRAHAM] proposes an amendment numbered 363.

On page 6 of amendment No. 295 (as amended) on line 8, in section (d)(1)(A), strike the words "other than" and insert instead "including".

The PRESIDING OFFICER. The Senator may proceed. Under the agreement, the Senator has 90 minutes and the opponents have 30 minutes.

Mr. GRAHAM. Madam President, the purpose of the amendment I have just sent to the desk is to bring the Byrd amendment, as adopted during the consideration of this legislation, into a parity position with the formulas for distribution that were contained in the Moynihan-Symms provisions as the bill was reported from committee.

We are proposing to distribute through this legislation a total of approximately $113 billion in surface transportation funds over the time period 1992 to 1996. As the bill came out of committee, we were distributing $105 billion. That additional $8 billion was added by the Byrd amendment on the floor.

As that language is currently constructed, the Byrd amendment is secondary to full funding of the basic bill; that is to say, the basic bill would have to be funded 100 percent before any funds were available for the Byrd amendment.

Senator BYRD earlier this afternoon agreed to, and the Senate adopted, an amendment which raised the obligation levels in the base bill to reflect the levels necessitated by the Byrd amendment.

For instance, in the original bill, the obligation ceiling for 1996, the last year this legislation was funded, was approximately $20.2 billion. The Byrd amendment added $3.3 billion. So we amended that $20.2 billion up to a total of $23.5 billion to reflect the fact we have authorized through the Byrd amendment that additional level of spending.

The amendment I am now offering would further knit the Byrd amendment and the basic bill together by providing that should there be something less than the full amount available to be distributed it would be a proportionate reduction from all of the programs in this legislation.

That contrast, as I indicated, to the current provision, which is to fully fund the base bill, and only after you have fully funded the base bill does any money go to the Byrd amendment.

So in 1996, for instance, if the Congress were to appropriate $20.2 billion for transportation, all of that $20.2 billion would go into the formulas of the Moynihan-Symms bill. Zero would go to the Byrd provision. If we appropriated $21.2, 100 percent, or $20.2 would go into the base bill, and that last $1 billion would go to the Byrd provision, divided equally between the incentive portion and the minimum States allocation. That is the way the bill is now.

What I would provide is if, in 1996, for instance, we appropriated $21.2, that all of the programs in surface transportation would be treated in parity.

Why is this important, Mr. President? It is important because the basis upon which approximately 40 percent of the States of the Nation are going to be given some degree of equity under this legislation is that they will receive this enhanced minimum allocation through the Byrd amendment.

For instance, Mr. President, in the case of the Presiding Officer's State, over this period, the State of Illinois would receive $164 million in the Byrd amendment, as minimum allocation, bringing Illinois up to some higher level of equity.

If, however, the current bill stays in its form, and if the Byrd amendment is not fully funded, then Illinois will take a very serious reduction in its expected $164 million. I do not know the numbers as well for the Presiding Officer's State as I do for my own, but I know that because of another feature, which is that the Byrd amendment is very heavily backloaded, no Byrd money is expended in fiscal year 1992. It is all expended in 1993, 1994, 1995, and 1996.

In 1993, for instance, the total of the Byrd amendment is approximately $780 million. That is what the Byrd amendment is worth in 1993. But 4 years later, in 1996, the Byrd amendment is $3.3 billion.

In my State, Mr. President, that means that of all the highway funds that we are going to receive in fiscal year 1996, about 20 to 30 percent of them will be the Byrd amendment minimum allocation provision. And that same high level of dependence on the Byrd amendment is going to be true for other donor States, such as the State of the Presiding Officer.

My question is: If we are trying to fund a national transportation system, having already voted for the Byrd amendment as an appropriate part of that system, and having recognized that there should be some minimum level of funding that all States can depend upon and plan upon, why should we not bring the Byrd amendment up to equal dignity with everything else that we are going to be funding in this transportation bill?

Politically, the effect of that is going to be that in 1996, there will be 50 States and 100 Senators who will have an interest in the level of funding of the transportation bill, because everybody is going to be equally affected by any shortfalls.

Conversely, if we have the structure that is in the bill now, and the base bill, the Moynihan-Symms provision, gets fully funded, and the Byrd bill can get zero funding, we are going to have only essentially the donor States, approximately 40 percent of the States in the Nation, who are going to have an active interest in getting that last $3.3 billion into the transportation program.

So I think both in terms of fairness, treating everybody equally, in terms of rationality, we have said that we believe that the principles of the Byrd amendment are an appropriate part of the national transportation system. And in terms of assessing the likelihood that what we have all voted for will in fact become reality, I am strongly of the opinion, Mr. President, that we should adopt this amendment, make the Byrd amendment have the same structure as any other distribution formula within this bill.

And then we can go back home, whether it is to Springfield or to Tallahassee, and say with greater assurance that this is what you can expect, citizens; this is what your transportation department can anticipate and plan for over the next 5 years.

Without this amendment, I believe there is a very high degree of vulnerability as to whether those representations of a minimum allocation to every State will become reality.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Florida yields the floor.

Who yields time?

If no time is yielded by either side, the time will be deducted proportionately between the proponents and the opponents.

May the Chair clarify, it is the intention of the Chair to deduct the time on the basis of the distribution of time, so that the proponents or advocates of the amendment will be having their time reduced in a 3-to-1 ratio to the opponents, because of the 90-30 time distribution. I want that clearly understood by the proponents.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Idaho.

Mr. SYMMS. Mr. President, it is my understanding that the proponent of the amendment is prepared to yield back his time and then we can go on the next amendment.

Mr. President, I will speak to this amendment very briefly, and then I shall yield back the time that is reserved for Senator MOYNIHAN and myself.

This amendment, if adopted, would fundamentally undercut the hold-harmless provisions that the majority leader and the minority leader and

Senator BYRD worked out with respect to the Byrd amendment, so it would completely change the apportionment formula. In some cases States would be greatly harmed, in other cases they may not be harmed, but it is possible that even some of the donor States could lose money under this amendment under the original formula of the bill where they are guaranteed the 85-percent minimum.

Second, Mr. President, if this amendment were adopted, then the agreement would be off. There would be no vote at 7:30 or earlier.

I might say to my colleagues who are watching this, as we start yielding this time back, Senators should look to their clocks and the staffs should look to the clocks and see how much time we yield off and start deducting it from 7:30, because we will be moving closer to a time to vote unless there is some reason the leadership will not be able to vote earlier.

But having said that, it is my understanding that Senator MOYNIHAN and I will have 15 minutes on the next amendment and I will reserve that time until we discuss it with the leadership.

I have just been informed that the distinguished President pro tempore would like to speak in opposition to this amendment, so I need to reserve some time for him.

The PRESIDING OFFICER. Will the Senator from Idaho and the Senator from Florida inform the Chair as to how much time has just been yielded back from the unanimous consent agreement?

Mr. SYMMS. At this point, I would say, Mr. President, that no time has been yielded back. I might inquire of the Chair: How much time remains on each side?

The PRESIDING OFFICER. If no time has been yielded back, it is my understanding, if we agree to one amendment——

Mr. SYMMS. No amendment has been agreed to.

The PRESIDING OFFICER. I meant set-aside one amendment for discussion, that the time had been yielded back. But since that is not the case, the Senator from Florida has 69 minutes remaining and the Senator from Idaho has 21 minutes remaining.

The Chair is clear. I thank both Senators. No time has been yielded back off the agreement and as it stands, as of now, we are under the unanimous consent agreement.

Mr. SYMMS. Mr. President, there must be some error. At the time we started out with a 3-to-1 ratio. The opposition has used very little time and the clock has been running supposedly on a 3-to-1 ratio and the proponents spoke only briefly, maybe 5 minutes or more. So we should be closer to a 3-to-1 ratio of time left over.

The PRESIDING OFFICER. I thank the Senator and have instructed the clerk to go from the new math to the old math. I am confident we will straighten that out momentarily.

Mr. SYMMS. I have been advised that Senator MITCHELL, Senator DOLE, and Senator BYRD would like 5 minutes each to speak in opposition to the pending Graham amendment, and maybe we should keep 5 minutes for Senator MOYNIHAN if he needs it.

Mr. President, I might just suggest to the distinguished author of the amendment that maybe he could just start talking on the second amendment. He has a lot of time here now. It will not matter at the end and we will not have to lay an amendment aside that way.

The PRESIDING OFFICER. Let us get our clock right here.

The Chair understands a mistake was made. The original agreement was 90 minutes for the Senator from Florida, 30 minutes for the Senators from Idaho and New York. We will work that out. In the meantime, the Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to lay aside the first amendment for purposes of commencing debate on the second amendment, reserving what time is remaining on the first amendment for use when we return to it.

In explanation, there were three, possibly four, persons who have indicated a desire, as hard as it is to believe, to speak in opposition to the amendment I have offered.

The PRESIDING OFFICER. Is there an objection to laying aside the first amendment?

Mr. SYMMS. If the Senator will just withhold that for a moment. What I urge him to do is go ahead and start speaking about the second amendment because he has a 3-to-1 ratio of time and I think the distinguished President pro tempore may be on the way to the floor to speak in opposition to the first amendment. Rather than laying it aside, he can start speaking on the second amendment as though we had done so.

Mr. GRAHAM. Mr. President, the reason I am reluctant to do that is because I think the first amendment is likely to engender more debate than the second. I do not want to be using up my first-amendment time on my second-amendment discussion. So I prefer to lay the first amendment aside and take up the second amendment.

Mr. SYMMS. Mr. President, as long as it is understood by the Presiding Officer there will be 5 minutes reserved for Senator BYRD, 5 minutes for Senator MITCHELL, 5 minutes for Senator DOLE, and 5 minutes for the managers on the first amendment, we would have no objection to temporarily laying it aside and going to the second amendment.

The PRESIDING OFFICER. The Chair says to the Senator from Idaho, under that agreement, the Chair cannot make that decision. The time is controlled by the Senator from Idaho or his designee.

Mr. SYMMS. That is fine, if I reserve my 20 minutes that I have on the first amendment, understanding that we can temporarily set the first amendment aside and go to the second amendment.

The PRESIDING OFFICER. It is the understanding of the Chair, I say to all the participants, that the allotted time, 90 minutes for the Senator from Florida, 30 minutes for the Senator from Idaho, is not divided by amendments. And, therefore, there should be sufficient time under the request that had been made for any and all parties who wish to speak to speak.

Mr. SYMMS. I make a further parliamentary inquiry, Mr. President. It is my understanding there are two amendments: The first amendment has 90 minutes and 30 minutes set aside; the second amendment has 45 minutes and 15, or 1 hour set aside. There were 3 hours to start with. As long as it is understood here we keep the time running on a 3-to-1 ratio with 3 hours of total time on the two amendments, I do not think there is a problem. But I want to reserve some time for the opposition. I am not prepared to yield any time back at this point until we can yield all time back and go to a vote.

The PRESIDING OFFICER. The Senator is correct. The Chair agrees time will be running, taking time off proportionately.

Mr. SYMMS. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. My original purpose was to ask unanimous consent to set aside the first amendment for purposes of taking up the second amendment; during the course of the debate on the second amendment, to have the time stayed on the first amendment. Is that——

The PRESIDING OFFICER. The Chair understands the request, but it will require—is there an objection?

Mr. GRAHAM. I ask unanimous consent we set aside the first amendment, staying the time of the first amendment for purposes of taking up the second amendment.

Mr. SYMMS. No objection.

The PRESIDING OFFICER. There is no objection. The request is granted.

AMENDMENT NO. 364

(Purpose: To provide a proportionate distribution of federal highway obligation authority among all programs authorized under S. 1204)

Mr. GRAHAM. Mr. President, 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 Florida [Mr. GRAHAM] proposes an amendment numbered 364.

Mr. GRAHAM. 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:

SEC. 106. SURFACE TRANSPORTATION PROGRAM.

Strike lines 14 through 25, page 23, and insert:

Transportation Program funds"; and by striking "75" in two places and inserting instead "80".

SEC. 108. BRIDGE PROGRAM.

Insert a period after "80 per centum" on line 5, page 28 and strike the remainder of lines 5 through 25, page 28.

Mr. GRAHAM. Mr. President, this is a very straightforward amendment. Under the current law, there are various proportions of Federal-State sharing of Federal aid highway construction and rehabilitation. For instance, the basic interstate program is 90 percent Federal, 10 percent State; the primary, secondary and urban program is 75 percent Federal, 25 percent State; and the bridge program, 80 percent Federal, 20 percent State.

In all those categories, there is no further distinction made between expenditures on maintenance, reconstruction, rehabilitation and the additional capacity.

Under the bill as submitted by the committee, such a distinction is made. For surface transportation programs, the basic part of the bill under which approximately half of the Federal money is allocated, if you use the funds for maintenance or rehabilitation, you can match, at 80 percent Federal, 20 percent State. However, if you use your money for capacity enhancement, it is 75 percent Federal, 25 percent State.

I underscore, this amendment has nothing to do with changing the allocations among States. We are talking here in terms of a State which has its allotment as generated by the formulas on which we have spent so much time over the past several days. We have been discussing that State's flexibility of using that for maintenance and rehabilitation as opposed to new capacity addition.

The argument is made we should discriminate against new capacity because we do not want to encourage the construction of new highways; that new highways are a bad public policy; that we should be encouraging other forms of transportation expenditures. In some ways that has an appeal. If you were in a State that essentially was a stable State, in terms of its population and economy, and you were then challenged to make the decision as to how should you shape your future in terms of allocation of funds, maybe a State would reach the judgment that it was in its best interests to concentrate on preserving the highway system that it currently has, using its funds through a different pattern of expenditure. But that is not the circumstance for a significant number of States in this Nation.

My State of Florida every day receives almost 900 people. In the last 10 years, in excess of 3 million Americans have made the decision to also be Floridians. They came for a variety of reasons: some came seeking freedom; some came seeking better economic opportunities; some came seeking a quality of life in retirement. But, for whatever reason, they came.

I can assure the Presiding Officer that zero percent of the people who came to Florida came because they liked the smell of asphalt; because they were attracted by the desire to look at, feel, and see new highways under construction.

The highways have been constructed in order to meet their needs, not to induce them to come in the first instance.

To me, Mr. President, if we are trying to pass a bill which talks about efficiency and talks about flexibility and talks about treating States fairly and giving to States greater control over their destiny, then to have a Federal formula that says growth States are going to be discriminated against because they will not be able to meet the inherent expected demands for transportation services on the highways of those States that are growing because they will have a discriminatory allocation formula, I believe that all of those laudable premises begin to crumble.

So, Mr. President, my amendment is a straightforward one. It essentially returns to the philosophy of the current law and that is, there should not be such discrimination against a State which elects to use its own Federal allocation for new capacity additions as well as using it for maintenance.

Mr. President, we are so disinvesting in America's transportation system under this legislation, we are leaving such enormous needs in the maintenance of the existing system, as well as the additional capacity for growth in all of our States, but particularly in those States experiencing unusual accelerations in population and economic growth, that this is just an additional thorn in the side of our efforts to secure a rational balance of a national surface transportation system.

Mr. President, I urge the adoption of this, I think, very rational and appropriate amendment, particularly on behalf of those States who have the responsibility of meeting the needs of Americans who have elected to become citizens of those growth States.

Thank you, Mr. President.

The PRESIDING OFFICER. As stated before, if no one yields time, the time will run proportionately, deducted from both sides.

The Chair, in his capacity as a Senator from the State of Georgia, suggests the absence of a quorum. The clerk will call the role.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, in an effort to try to move this to as early a conclusion as possible, I am prepared on the amendment No. 2 to the amendment that is currently before us to yield back all but 15 minutes of the time remaining to me; and on the amendment No. 1, which is the amendment that has been laid aside, to yield back all but 20 minutes on amendment No. 1, if the proponents of the bill, the opponents of these amendments, will yield back a proportionate amount as an inducement for those who have indicated they wish to speak to come and do so.

Maybe if we yield back time, they shall come.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I see my distinguished colleague from New York is back on the floor, the floor manager. I do not mean to speak on his behalf.

Mr. MOYNIHAN. Do.

Mr. SYMMS. When the Senator was off the floor, we had agreed that all we need on this side is 5 minutes for Senator BYRD, 5 minutes for Senator DOLE, 5 minutes for Senator MITCHELL, and 5 minutes for the two managers of the bill, and we are willing to yield back all the rest of our time.

But we do need to reserve that much time. And they need—those Senators—if they are within earshot, to be allowed that time to speak on the bill. Then we are ready to go to a vote. It will be the intention of the managers of the bill to move to table the first Graham amendment first, and the second Graham amendment second, and go to final passage.

Mr. MOYNIHAN. Does the Senator want to help us with the calculations? How much time would he want us to yield? Or we are prepared to yield all but that time.

Mr. SYMMS. We are prepared to yield all the time but that. We would make the unanimous-consent agreement to reserve that much time, I would think.

Mr. GRAHAM. I am prepared to yield back all but 15 minutes on the second amendment; 20 minutes on the first amendment. I understand the Senators want a total of 20 minutes on the first amendment.

Mr. MOYNIHAN. Twenty-five.

Mr. SYMMS. Twenty-five minutes total time is all we need for both amendments.

Mr. GRAHAM. Both amendments. I ask unanimous consent that the——

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. MOYNIHAN. Mr. President, perhaps the assistant floor manager would make the unanimous-consent request.

Mr. FOWLER. I thank the distinguished chairman of the committee. Let me make sure that I understood the request of the Senator from Florida and the Senator from Idaho.

My understanding is that further need for debate on both amendments would be 60 minutes; 15 minutes reserved for the Senator from Florida for the second amendment, and 20 minutes for the Senator from Florida for the third amendment.

Mr. GRAHAM. First amendment.

Mr. FOWLER. First amendment, and that a total of 25 minutes be reserved for the Senator from Idaho and the Senator from New York, which would include 5 minutes for Senator MITCHELL, 5 minutes for Senator DOLE, 5 minutes for——

Mr. SYMMS. Or thereabouts. We will have it all in a block. Those Senators requested time. That is our expectation. They have requested 5 minutes each, and if we reserve that much time, that is all we should need.

Mr. FOWLER. Mr. President, I ask unanimous consent that the agreement be modified; that all time under all amendments be considered at an end at 6:45; that the time will be proportioned 15 minutes to the Senator from Florida for his amendment No. 2; 20 minutes for the Senator from Florida for his amendment No. 1; and that 25 to 30 minutes remaining time be reserved for the chairman of the committee, Mr. MOYNIHAN, and Mr. SYMMS, the Senator from Idaho, that time not to exceed 30 minutes, at which time all time under the agreement will be deemed to have concluded and that the votes will occur beginning at 6:45 seriatim under the rules of the previous agreement of the majority leader.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

Mr. FOWLER. I thank all Senators for their cooperation.

The PRESIDING OFFICER. Who yields time?

Who yields time?

If no one yields time, time will run from both sides proportionately.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business, with 3 minutes to be charged to the Senator from Idaho and 7 minutes to the second amendment that has been offered by the Senator from Florida.

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

AMERICA'S PATIENTS ARE PATIENT NO LONGER

Mr. KERREY. Mr. President, this morning's newspapers carried some good news for a change, and it is good news that will affect 74 million Americans. The papers reported that the Blue Cross/Blue Shield Association has offered to provide insurance for periodic tests to detect cancer, heart disease, and other diseases, even for subscribers who have no symptoms of illness.

Mr. President, it is important to point out that Blue Cross/Blue Shield's actions will obviously not affect those who have no insurance. It will not affect those 35 million Americans who are uninsured, and it will only affect those Americans who have insurance whose employers will offer this preventive care.

The story is good news because only 41 percent of insured adults are not covered for preventive exams; only 20 percent of the women who should be getting routine mammography currently do so. It is good news, because Blue Cross/Blue Shield is the Nation's largest private health insurer, which means this action will benefit the Blues' 73 million subscribers, and it may also benefit all the subscribers of other insurers, who will very likely follow the Blues' lead. It is good news because, as Dr. Paul Griner, chair of the board of regents of the American College of Physicians noted in the New York Times this morning, the extra spending for these tests should result in "'improved productivity of employees, greater longevity, and improved quality of life' for millions of Americans."

So upon reading this story, Mr. President, I decided simply to come to the floor today and congratulate the Blue Cross/Blue Shield Association and its new president, Bernard Tresnowski, for this act of corporate statesmanship, or as the Times quite correctly described it, an act of "enlightened self-interest."

That was my first reaction, Mr. President. I must confess, however, that as the day has progressed, I have had second and third reactions to this story as well. For as impressed as I am with Blue Cross/Blue Shield's action, I feel my anger welling up about a system of financing health care that gave us long, deadly decades of inaction.

All of us, Mr. President, know friends, and some relatives as well, who have had diseases detected too late for treatment to be of any benefit. There is great sadness, knowing that for a relatively small amount of money and a relatively small amount of effort, the detection could have prevented the tragedy of early death.

After all, Mr. President, this policy change is not a result of some recent scientific finding. The fact that early testing can save lives is not something that came out of the National Institutes of Health a few weeks ago. We have not just discovered that we can raise the effectiveness of treatment and lower its cost if we succeed in getting an early diagnosis of breast cancer, or cervical cancer, or coronary artery disease.

No, we have known that for some time. Indeed, while it is good news that Blue Cross/Blue Shield has now formulated guidelines on what preventive tests Americans should have, a task force presented a similar set of guidelines to Health and Human Services Secretary Louis Sullivan over 2 years ago. And so the question comes to mind: Why is our health care system just now responding to that information?

The reason, Mr. President, is that we have a system of financing health care that provides all the wrong incentives if our public policy goals include, as they do, preventing disease, controlling cost, and improving the quality of people's lives.

Tempted as I am to do so, I find it hard to fault Blue Cross/Blue Shield for not having taken this action earlier. I am a businessman myself, Mr. President, and so I know that insurers, like all good businesses, must serve the bottom line. And for all its merits, early testing has very little to recommend itself to the bottom line of a private insurance company.

There is a problem with testing, you see. It adds to an insurer's costs. But the benefits of any given test may not show up for years. For healthy people whose tests forever come back negative, there are, in a sense, no benefits. And worst of all, from a business perspective, if a subscriber switches insurance companies, insurance company B may reap the benefits of a test paid for by insurance company A. That is why insurance companies have not opted to cover preventive tests, even though doing so only requires charging subscribers what Blue Cross/Blue Shield now describes as a nominal amount of about $7.50 a month.

In that light, the statement about Blue Cross/Blue Shield acting out of enlightened self-interest looks very different. It suggests, accurately, that no fee-for-service insurer would ever pay for testing out of pure economic self-interest. Which is about as definitive proof as you could ever ask for that the incentives of our system of financing health care are at direct odds with the health care goals of the American public.

The American public believes we must stop the explosion of health care costs that is taking too much money out of our paychecks, our savings, our public budgets, and our corporate profits. Yet our system of financing health care has no incentives to provide cost-saving services like testing.

The American public believes every one of our citizens deserves to have a

basic level of health care coverage. Yet our system of financing health care gives insurers every incentive to skim the healthiest patients and dump those with high health risks onto the rolls of Medicaid or into the ranks of the uninsured.

The American public believes that health insurance should cover those services and procedures that the public wants and needs. But as a representative of the health insurance industry was quoted this morning in the Times as saying: "Major employers call the shots. They decide what benefits to include * * *.

Mr. President, we have a choice in this country about the future of our health care system. It is not the choice White House Chief of Staff, John Sununu, has recently suggested by way of excusing the President's failure to offer any kind of health care reform program. Mr. Sununu has suggested our choice is one between free enterprise health care or socialized medicine. Mr. Sununu's motto seems to be: "Socialized transport, yes; socialized medicine, no."

But Mr. Sununu has it wrong. Our real choice is whether we will have a system of financing health care that is responsive to public goals or one that is not. Our choice is whether we will have a system that is cost effective or just costly. Our choice is whether the first priority of our system of financing medical care will be public health or private wealth.

Mr. President, Blue Cross/Blue Shield is to be applauded for its initiative. But there is little to applaud in a system of financing health care that makes us wait helplessly for insurers to do what we have known for years they should do. The Blues have taken a laudable step. But how long will we have to wait for other insurers to follow suit? How long will we have to wait before insurers exempt testing and other preventive services from deductibles and copayments that deter people from using them? How long will we have to wait for these same tests to be made available to the millions who do not happen to be covered by private insurance?

Mr. President, I think most of us are tired of waiting. I think America's patients are patient no longer. I think it is time we enacted the comprehensive reform we need rather than waiting for whatever incremental improvements we get.

Mr. President, I thank the distinguished Senator from Idaho and the distinguished Senator from Florida for yielding me this time.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD.

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

[From the New York Times, June 19, 1991]

BIG INSURER OFFERS MEDICAL SCREENING AS PART OF POLICY

(By Robert Pear)

WASHINGTON, June 18.—In a departure from longstanding practice in the health insurance industry, which has emphasized the treatment and cure of disease without paying for much preventive care, Blue Cross and Blue Shield offered today to provide insurance for periodic tests to detect medical problems in people with no symptoms of an ailment.

The Blue Cross and Blue Shield Association issued guidelines for a lifetime schedule of medical tests to detect adult diseases, including cancer and heart disease, and said it would offer coverage for these services. The United States Public Health Service expressed support for the guidelines.

Other private insurers have expressed a willingness to cover preventive services and are expected to use the guidelines.

AN ECONOMIC INVESTMENT

The screening tests would add to overall national spending on health care at a time when the soaring costs of medicine have prompted a flurry of proposals in Congress for fundamental change in the nation's health-care system. But the concern about cost usually focuses on exotic high-technology procedures, not on simple screening tests, and Blue Cross officials described the coverage of preventive care as an investment that would yield economic gains, including higher productivity for workers.

The new coverage is envisioned as an expansion of existing policies. Blue Cross said it could cover the costs of insurance for preventive and screening services by charging additional premiums of about $90 a year for a family and $36 a year for an individual.

GROWING PUBLIC DEMAND

The guidelines come in response to a nationwide consensus of health policy experts that insurers should cover more preventive services. That idea is backed not only by the Public Health Service but by the 70,000-member American College of Physicians. The college developed the guidelines over several years in cooperation with the Blue Cross and Blue Shield system, which is the nation's largest private health insurer, covering 73 million Americans.

Health economists suggested that Blue Cross was also motivated by a sense of enlightened self-interest, because there appears to be a growing demand among employers and consumers for insurance to cover screening and preventive care, including health education and counseling to stop smoking.

The screening schedule specifies who should be tested when for high blood pressure, heart disease, cholesterol, diabetes, thyroid problems, osteoporosis and cancer of the breast, colon, cervix and lung.

Equally important, the guidelines say certain techniques, like exercise stress testing and tests for thyroid disease, are not recommended as routine screening procedures for people with no symptoms.

Dr. Paul F. Griner, chairman of the board of regents of the American College of Physicians, said that screening—the search for specific health problems in a person who has no known signs or symptoms—"has enormous medical value in finding disease early, when it can be treated most successfully and most economically.

In the last year, many private insurers have quietly cut back coverage of small groups of beneficiaries on which they say they have lost money. But Pam Kelch, a spokeswoman for Blue Cross and Blue Shield, said the medical tests included in the new benefits package would not be used to screen out people found to have costly diseases or high risk of developing such illnesses.

Bernard R. Tresnowski, president of Blue Cross and Blue Shield, said the group's 73 local plans around the country could offer coverage of the recommended screening tests for "a nominal amount" about $7.50 a month for a family whose insurance coverage now typically costs $200 to $300 a month.

Dr. David M. Eddy, professor of health policy management at Duke University, who edited the guidelines, estimated that national spending on health care would increase by $2 billion to $3 billion a year if all adults complied with the screening recommendation.

"IMPROVED PRODUCTIVITY"

But Dr. Griner said the extra spending would result in "improved productivity of employees, greater longevity and improved quality of life" for millions of people. The United States spends more than $660 billion a year on health care, and the amount has doubled in the last eight years.

The guidelines are not rigid standards, but doctors who ignored them could expose themselves to an increased risk of lawsuits for failure to detect cancer or other diseases.

Dr. Griner, who is also the chief executive officer of Strong Memorial Hospital in Rochester, said that 80 percent of the women who should be getting routine mammography were not receiving it.

To detect breast cancer, the guidelines say that women 40 years old and over should receive an annual examination of the breasts by a doctor or a specially trained nurse. In addition, the guidelines recommend annual mammography for women 40 and older who have a personal history of breast cancer or have a sister or mother with the disease. For women with no such history or risk, the guidelines call for annual mammograms starting at age 50.

Under the model benefit package for preventive services, Blue Cross would not pay for routine physical examinations, but would cover many procedures commonly performed in such examinations.

The 73 independent nonprofit Blue Cross and Blue Shield plans will be strongly encouraged but not required to offer the additional coverage. They operate 89 health maintenance organizations providing care for 4.6 million people. Routine exams and screening tests are already included in the services of such prepaid group plans. The new coverage is being offered to people who receive health care through traditional fee-for-service arrangements.

Joel E. Miller, director of professional services for the Health Insurance Association of America, which represents more than 300 commercial insurers, said some of them were beginning to offer similar benefits. But he said: "Major employers call the shots. They decide what benefits to include in their health insurance packages. There needs to be a marketing and education campaign to convince employers that these benefits should be included."

Medicare, the Federal health insurance program for the elderly, is slowly adding coverage for a few selected screening tests, like mammograms. Medicaid, the Federal-state program for poor people, already covers screening for many children and coverage of other services generally depends on state decisions.

Dr. J. Michael McGinnis, Deputy Assistant Secretary of Health and Human Services,

hailed today's announcement by Blue Cross and the College of Physicians. "Historically, lack of financing has been a barrier to the delivery of clinical preventive services," he said. "A recent survey of insurance coverage for preventive services revealed that overall only 41 percent of insured adults were covered for preventive exams, and only 69 percent of preventive diagnostic tests were covered by these insurance policies."

Dr. McGinnis said the move by Blue Cross illustrates a growing recognition that preventive services must play a more prominent role in health care. "They are no longer to be considered distant cousins of diagnostic and curative services," he said.

The guidelines address these diseases, among others:

Cervical cancer. A Pap smear is recommended every three years, beginning at the age of 20, for women who have an average risk of cervical cancer, and every one to two years for women at high risk.

Colon-Rectal cancer. Annual screening for blood in the stool is recommended for people 50 and older. Examination of the colon with a fiber-optic tube known as a sigmoidoscope is recommended every three to five years for people 50 and over.

Coronary artery disease. Cholesterol tests are recommended at least once in early adulthood and then at intervals of about five years.

High blood pressure. Screening is recommended every one or two years for adults with blood pressure below 140/85. People with higher blood pressure should be checked annually.

Dr. McGinnis said that the development of a model package of benefits by Blue Cross was a significant step, but only a beginning.

SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

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

Mr. SYMMS. Mr. President, I ask unanimous consent that the time be counted on a 3-to-1 proportional basis.

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

The clerk will call the roll.

The bill 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 (Mr. BRYAN). Without objection, it is so ordered.

AMENDMENT NO. 364

Mr. DURENBERGER. Mr. President, I wish to take approximately 3 minutes on the amendment, and I understand the managers of the bill will yield time.

Mr. MOYNIHAN. I happy to yield that time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes charged to the Senator from New York.

Mr. DURENBERGER. Mr. President, it has been a long and difficult journey to this point. The managers of the bill, the distinguished Senator from New York [Mr. MOYNIHAN] and the senior Senator from Idaho [Mr. SYMMS] deserve much credit for their tireless efforts in moving this bill forward. The President of the United States, President George Bush, also deserves credit for laying out an excellent blueprint for the Senate to work from, and for doing his part to keep us within budget and on schedule. This bill, a work product of many hands, will help move America into a new century.

As a Minnesota Senator, I have been ably assisted in this bill by Gov. Arne Carlson and his Transportation Commissioner John Riley. Dozens of ideas that came to me from MN/DOT are now part of this bill. Minnesota and America will profit from this mutually beneficial cooperation between two levels of government. Minnesota's preference, and my own, was the President's original bill, but through detailed communication and hard work, we have made this a workable bill for the transportation needs of Minnesotans. This special relationship, which has benefited me and my State on the last two surface transportation bills to come before this body, will continue into the future.

Mr. President, this is the most important transportation legislation that has been considered in the Senate since the Congress authorized the construction of the Interstate Highway System during the administration of President Dwight Eisenhower. Today we look back at the visionary creators of the Interstate System with admiration and respect, and I stand here today, Mr. President, to predict that generations will view the authors of this legislation, and particularly my colleague from New York and my colleague from Idaho, with that same, if not even greater, esteem, for this legislation will serve as the foundation for this Nation's transportation network well into the next century.

With the Interstate System nearing completion, we now must turn to upgrading and maintaining the quality of the entire arterial network of highways and feeder routes that serve to move people and commerce in unparalleled efficiency. This legislation will enable the Federal Government to target those key highways that fit within the contours of the National System, while providing States and localities unprecedented flexibility in meeting local transportation needs.

Mr. President, I am pleased to have participated in what is a step toward ensuring that Congress accomplishes a timely reauthorization of the highway program. I commend the committee leadership for accomplishing the difficult task of drafting a bill that is responsive to a variety of interests.

The origin and maintenance of transportation systems are dependent on the Government. Government intervention is needed to design feasible routes, to cover the expense of building public highways, and to develop harbors and waterways. Adequate transportation is needed to create national unity.

In this respect, I commend the leadership for producing a true surface transportation bill. I support the increase in flexibility to apply highway trust funds for multimodal uses. I am pleased that my amendment for a National Highway System was accepted by the Senate. The National Highway System will offer a focus and a defined Federal role in any surface transportation program. It is appropriate to ensure that a minimal portion of the highway trust fund be spent on the rehabilitation of highways which are most critical to interstate travel and commerce. I trust that such miles designated by the States and the Secretary will reflect both a national purpose and individual State priorities.

The Interstate System has been the major accomplishment of the partnership between the Federal Government and the States in the Federal-aid highway program. It has changed the way we travel and improved our ability to move goods in interstate commerce. But it was planned more than 40 years ago. New population and production centers have since grown up, and our travel patterns have changed. The National Highway System will reflect those changes. We cannot rely solely on a system designed primarily in the 1940's to carry us into the 21st century.

The administration is to be commended for proposing a National Highway System and having worked with the States over the last couple of years to create an illustrative map. Secretary Skinner, Tom Larson, Administrator of the Federal Highway Administration and their staffs also deserve credit for working with the Senate to find a program that could be responsive to all States. I look forward to 1993 when the final National Highway System emerges and is reported back to this body of Government. In the meantime, my amendment providing for a National Highway System and designating an interim NHS will ensure a necessary foundation to maintain the existing system we have been in since 1806 when Thomas Jefferson signed the first Federal highway program into law.

SPENDING PRIORITIES

I regret that S. 1204 continues to favor maintenance of the highway system over highway construction. I am extremely supportive of compliance with the Clean Air Act. However, I believe that in the spirit of flexibility it should be left up to the State and local governments to make decisions unique to their areas. For example, Minnesota has expended many dollars and years in responsibly planning its portion of the Federal Interstate. Those plans have

included the knowledge that extra lanes would be needed in certain corridors. After all those years of planning, S. 1204 penalizes my State for needing capacity improvements.

Also, the Surface Transportation Efficiency Act favors urbanized areas at the expense of rural areas. Spending is directed based on population rather than transportation needs or needs based factors. In a bill that promotes flexibility, this is an attempt by the Federal Government to micromanage transportation allocation and investment decisions. Historically, Minnesota has been successful in assuring that funds are equally distributed between rural and urban areas. It concerns me that we, the Federal Government, are stepping in to tell them where to distribute those funds. However, it is my continuing belief that the funds should be distributed fairly and equitably between metropolitan and nonmetropolitan areas.

Furthermore, I am extremely concerned that a discretionary bridge program for high cost bridges is absent. it is disturbing to think that Minnesota will receive $23.5 million in fiscal year 1992 under the Bridge Program in S. 1204, yet it will not be enough to meet the State's needs. At face value, $23.5 million appears to be adequate funding. However, in comparison with State needs totaling $100 million per year, $60 million for state trunk highway bridges and $40 million for local bridges, I am concerned that high cost bridges will be put on hold to better accommodate less expensive bridge projects. For example, Minnesota is currently working on a bridge which will cost over $50 million. Obviously, the State portion of that one bridge is going to consume a large portion of the annual bridge allocation. Considering the current state of repair our Nation's bridges are in, I don't think it's wise to force States into an all or nothing situation.

A discretionary bridge account would allow budget buster bridges to compete on a national basis for Federal funds in addition to the State's total annual allocation. Almost every State has benefited from the discretionary bridge program since its inception. New York heads the list having received over $327 million. My State has received a mere $50 million. However, the point is that one bridge doesn't have to drain the system and thus dictate State choices. I believe we should return the discretionary bridge program to the surface transportation program.

RURAL TRANSPORTATION

This surface transportation program addresses the transportation needs of rural America. The statewide distribution formula ensures that rural areas receive fair and equitable access to funds. My amendment for a National Highway System incorporated in this bill provides rural access to local, regional, and national markets with the inclusion of the principal arterials system.

As the population in rural America ages and as we see increasing consolidation of public institutions like schools and medical facilities, rural transit systems are becoming a necessity. This bill gives those programs both funding and flexibility. It doubles the funding level for section 18 transit funds designated for nonurban areas that can be spent on both capital and operating costs. The bill also allows for a significantly higher amount of funds eligible for transfer from the highway trust fund account for transit capital costs.

AMERICANS WITH DISABILITIES ACT

The bill increases flexibility among existing transit programs to allow rural transit entities to address the specific needs of their service area especially in regards to compliance with the transportation portion of the Americans With Disabilities Act which I am proud to have been the chief Republican coauthor of last year. Capital discretionary funds can be used to meet the requirements of ADA. In addition, equipment purchased under the elderly and handicapped program will be allowed to be leased to public transit entities. I have included specific committee report language that ensures flexibility in use of Surface Transportation Program funds for capital expenses incurred in meeting the Federal goal to make mass transit accessible to people with disabilities.

MINNESOTA PROJECTS

As a member of the Senate Finance Committee, I had the privilege of being involved in the crafting of the landmark 1982 Surface Transportation Assistance Act. Among the provisions of interest to Minnesota was an authorization of the Third Avenue North distributor project, which consisted of three parking garages and associated ramps, bus bays, and pedestrian walkways all linked into Minnesota Interstate HOV lanes. In addition, Congress approved an increase in the ethanol exemption which was extremely advantageous for Minnesota farmers and the environment.

Excited at the opportunity to be directly involved in the setting of national transportation policy, in 1983 I sought and obtained a seat on the Senate Environment and Public Works Committee. Over the course of the next 3 years I met with constituents, county commissioners, and others with an interest in improving our Nation's infrastructure in an effort to craft a national transportation policy to guide our Nation. While the Surface Transportation Assistance and Uniform Relocation Assistance Act of 1987 was not entirely reflective of what constituted sound public policy, it did address pressing national and Minnesota needs. Specifically, I was pleased to initiate an authorization for the Bloomington Ferry Bridge replacement project, and working with Minnesota's House delegation members, a new interchange on I-35 near Pine City, a railroad grade separation project near Moorhead, and numerous other improvement projects in Minnesota. Needless to say, Congressmen JIM OBERSTAR and Arlan Stangeland played key roles in making these projects realities.

Currently, my State has a number of projects needing Federal funds of which the Bloomington Ferry Bridge is the highest priority. It was awarded money through the discretionary bridge program last year. However, without the continuation of this program, construction plans are on hold. In addition to this bridge project, there are a number of highway projects in Minnesota seeking Federal funding.

Highway 610 in the Twin Cities is in need of $43 million between 1992-94 for the design and construction of a four lane freeway connecting two interstates. The need for this program was established over 20 years ago and maintains strong local support. The design would utilize the highway corridor for a high voltage power line corridor, cold weather pavement, and utilize a storm water runoff to recharge a depleted underground water aquifer. Also, it would offer a unique opportunity to work within an intermodal transportation system and promote IVHS technology, not to mention the effect of the surrounding economy.

Highway 212 in Minnesota is also in need of $11 million to ensure completion of this project that has been a goal of State and local officials since 1953. This project would provide southwestern Minnesota with a four-lane road. Currently, it is the only region of my State not connected to the Twin Cities by a four-lane road. The present congestion, safety, and access problems would be addressed by the completion of this project.

Also, Blue Earth County in Minnesota has requested Federal funds to initiate a 10-mile segment connecting two highways which are identified on the administration's illustrative map of a National Highway System. This project would spur economic and social benefits in the region, as well as aid in congestion, air pollution, and energy consumption for the southeastern area of Minnesota.

In addition to the projects I have discussed, there are others that I and my Minnesota colleagues will be pursuing to secure the authorization of funds in the final surface transportation package. I would like to see a portion of the increased budget authority used for both a discretionary bridge program and specific projects important to our States. At least these programs would place the States in competition to fund those that are important on the national scene, as opposed to programs

that will only benefit a few States under specific circumstances.

SAFETY

Likewise, I am concerned that S. 1204 as reported failed to articulate a Federal purpose in safety. It is my belief that we as lawmakers should provide safe roads for the public. I am pleased that the leadership incorporated my provisions to include a standard to define where pavement markings are necessary and to establish a minimum maintenance level of retroreflectivity—level of brightness reflected back to the driver when a light hits it—for pavement markings and signs. This will provide a safer driving environment and be especially beneficial to older drivers.

Unfortunately, I feel that S. 1204 as reported abandoned safety initiatives by grouping them in a large pot of eligible projects. Although, the many eligible projects are worthy of Federal funds, I feel a greater priority is needed for safety. We have completed the Interstate System, but we have not completed our goal of providing safer roads. I thank my colleagues for supporting my amendment retaining the Hazard Elimination Program. This is crucial to ensuring that hazards continue to be located and repaired. Also, my amendment makes hazard elimination projects eligible under the seat belt and helmet safety provision at 100 percent Federal funding. I look forward to addressing the need for funding this and the Rail-Highway Grade Crossing Program at a later time.

The Rail-Highway Grade Crossing Program is imperative to ensuring that drivers are protected. Highway-railroad motor vehicle accidents at public crossings decreased 54 percent between 1975-90. This demonstrates a strong success record for this particular program.

The result of neglecting safety programs can be interpreted as outright long-term care health costs and lost productivity of an injured individual and of the major care giver which typically is a family member. Approximately one-third—3.5 million in 1987—of the long-term care population is under age 65, most of whom live in the community. It is crucial to realize that these programs strive to prevent unnecessary death and injury by locating and repairing hazardous situations.

Minnesota currently has 5,413 rail-highway grade crossings; 95 percent of those are on local roads—county State aid roads, city streets, municipal State aid highways and streets—and 5 percent are located on trunk highways. This is significant when you consider that some States with dedicated transportation funding sources, including Minnesota, are limited by State constitutions to spend such funds only on trunk highways. This means that 95 percent of grade crossing matches in Minnesota must be met by small local governments. At this level the difference between a 10 or a 20 percent match is substantial. For example, a $100,000 signal system would cost a local community of a few hundred people $10,000 under the current program and increase to $20,000 under S. 1204. This would consume the greater part of their annual budget.

In the current biennium, Minnesota has $6.9 million in Federal money obligated for railroad grade safety improvements. This includes projects to improve surfaces and add warning devices. The State will pursue 97 crossing improvements with this money.

Most grade crossings are in rural areas where large scale separation is not an affordable option. Cities typically choose to construct bridges to eliminate crossings all together. In addition, trains typically travel at nonscheduled intervals and at faster speeds—79 m.p.h. in comparison with in-city travel at 15-30 m.p.h.—in rural areas.

Minnesota continues to have a great need for a rail-highway grade crossing program. In the State, 65 percent of rail-highway grade crossings have cross bucks only, 13 percent have stop signs, and 23 percent have active signals. Although Minnesota has one of the lowest fatality rates in the country, it is experiencing an upward trend in serious train-vehicle accidents. A good share of accidents are alcohol related and involve vehicles running into trains as opposed to attempts to outrun trains. This leads one to believe that the primary cause is a lack of effective warning devices. In 1978, Minnesota saw 390 train-vehicle accidents. In 1989, this number decreased to 130 accidents. However, the number of fatalities has climbed upward from 4 in 1987 to 17 in 1990.

The decrease in accidents can be attributed to strong public education campaigns which have made drivers aware of grade crossing dangers. Unfortunately, drivers are becoming complacent. Furthermore, rail abandonments have encouraged this complacency.

Currently, MN/DOT is undertaking a pilot program to apply retroreflective material to crossbucks on both sides of the track. This would create a strobe light appearance to motorists when a train is in the crossing and the headlights hit between train cars. Hopefully such innovations will encourage other States to seriously examine ways to address train-vehicle deaths.

SAFETY BELTS AND MOTORCYCLE HELMETS

Mr. President, the goals of section 122 in the Surface Transportation Efficiency Act are laudable—the reduction of the number of fatalities and crippling injuries which occur on our Nation's roadways. In 1989, over 45,000 lives were lost in motor vehicle accidents and over 3 million people were injured. The consequences of these deaths and injuries cost our country approximately $74 billion each year. These losses are generated by a combination of lost lives, productivity, medical and rehabilitation expenses, and insurance and litigation costs.

The proponents of the safety belt and helmet provisions expect that this legislation will significantly reduce those losses which befall unbelted motorists and unhelmeted motorcyclists. The intent is to provide "a carrot and stick" mechanism of manipulating the disbursement of Federal highway funds in order to coerce States into adopting mandatory seat belt and helmet laws.

I believe there is merit in using Federal funds for highway safety research, to encourage States to improve traffic safety via greater education efforts, and by stimulating innovative programs designed to reduce the number of high risk motorists. However, I have serious reservations about using Federal "blackmail" to force States into enacting mandatory seat belt and motorcycle helmet laws. The only reason I did not offer an amendment to strike this provision from the bill was that it provides Federal funds at 100 percent Federal share for safety projects if a State has not passed both seat belt and helmet laws. As I have stated before, this bill lacks a clear Federal role in safety. Unfortunately, this provision is the only source of strong Federal support for safety projects at the State level.

The record in Minnesota seems to contradict the evidence that mandatory helmet laws are the best way to increase traffic safety of motorcyclists. During the period, 1968-77, when Minnesota had a mandatory traffic safety law, fatalities per 10,000 registered vehicles went up every year. In contrast, during subsequent years in which Minnesota has not required adult operators and passengers to wear helmets, the fatality rate has plummeted and is now at an all-time low.

Why did this occur? I believe that Minnesota motorcyclists and lawmakers realized that there is no substitute for continued ongoing traffic safety education and tough licensing provisions. Minnesota motorcyclists encouraged the State legislature to enact tough licensing standards. They have also implemented comprehensive rider education programs and public awareness programs which have won national recognition and served as a model which other States have emulated.

The Minnesota Motorcycle Riders Association and ABATE of Minnesota implemented "Dial-A-Ride," a program utilizing volunteers to keep impaired riders off the road. It offers a workable alternative by transporting an impaired rider and his bike to his home or to a motel, if needed. The program operates from May 1 to October 21, the primary season to operate a motorcycle in Minnesota. The program has

widely distributed posters that prominently display the phone number to call to use its service.

In closing, I would like to encourage my colleagues to closely examine why Minnesota has been able to drastically lower the fatality rate of its motorists to one of the lowest in the Nation. I think they will find it is because Minnesotans know that there is no panacea or easy fix. Minnesotans know that it takes persistent effort in a broad array of traffic safety initiatives to significantly reduce roadway fatalities.

Minnesota motorists and motorcyclists have shown that they have a strong commitment to improving traffic safety. They have requested, supported, and prodded the Minnesota Legislature to honestly and competently meet their demands for safer roadways. They do it because in Minnesota good behavior is rewarded—not because someone in Washington said that they "had to do it."

Mr. President, I would caution that reliance on Federal mandates to traffic safety, such as those embodied in S. 1204, may be counter-productive in the long run. I have little doubt that it will stir up considerable resentment and provoke strong protest. It seems to me that a wiser course of action would be to enlist cooperative support and to harness the creative energies of concerned citizens to work together with the goal of decreasing the number of serious traffic accidents. Consequently, I believe that this legislation needs to be refocused to solicit teamwork, rather than provoke conflict between government and citizens, both of whom share a common goal of improved traffic safety.

RECREATIONAL TRAILS

Mr. President, as former chairman of the Hennepin County Parks and Reserve District, and as former chairman of the Metropolitan Parks and Open Space Commission in my State of Minnesota, I have considerable experience in the recreational trails business. Unfortunately, Mr. President, of late it seems increasingly difficult for my interest in my State's recreational trails to be coincidental with my commitment to the environment.

Mr. President, my State has a significant number of trails—trails that are enjoyed by various groups of sports enthusiasts. I have long believed that it is important for all of these groups to be fairly represented in funding and access questions regarding their right to trails. I believe that the compromise reached on the National Recreational Trails Act accomplishes that.

Mr. President, I believe that when considering all our States' trail needs, it is important to continue to build a partnership between the States and the Federal Government. I believe that this package strengthens this relationship, as well as takes important steps toward increasing flexibility in trails funding needs.

VISUAL POLLUTION CONTROL

Mr. President, I have many times before stood here and articulated my support of devolution. I do not support unnecessary Federal Government intrusion in State issues.

This section of the Surface Transportation Efficiency Act of 1991 basically was intended to do two things: First, it would have allowed States to decide if they want to remove nonconforming billboards. Second, it would have allowed States to decide how they want to compensate billboard owners when removing nonconforming billboards.

Current law dictates that States must remove nonconforming billboards. Obviously, that hasn't been very successful. There are still a large number of nonconforming billboards. Nonconforming does not mean illegal. Therefore, the Federal Government should not dictate that they come down.

The Federal Government should not require the States to pay more in the way of "just compensation" than the fifth amendment requires. Yet the cash compensation requirement in existing law does just that. It is the State's zoning that makes a billboard nonconforming rather than conforming. Under this bill, it is the State that will decide if it wants a nonconforming billboard to be removed. The State law should and will determine how the billboard owner will be compensated. That brings me to the second major aspect that was included in the highway bill before it was struck out during floor debate.

S. 1204 merely eliminated the withholding of highway funds from States that choose to remove billboards with amortization. In addition, this bill provides adequate funding to States to provide cash compensation, if they so choose. It is my understanding that several States' constitutions approve of amortization and use it to eliminate other types of nonconforming land uses. Some of the uses include junkyards, trailer parks, grocery stores, dog kennels, auto storage, and trash balers. The amortization periods in these cases ranged from 1-7 years. Also, several States are opposed to the concept of amortization and their respective State constitutions articulate that oppostion.

Opponents to this bill argue that amortization is unconstitutional under the United States Constitution. But, the legislative branch of government is not here to decide the constitutionality of anything. If a constitutional right is being violated by State law, the aggrieved party has a remedy in the courts.

While Congress should probably not waste its time and effort passing laws that are clearly unconstitutional, private citizens do not need a Federal statute to protect a constitutional right. They can protect their own rights through the legal system, because the courts will not allow the States to take a person's property in violation of the fifth amendment. I regret that this highway bill once again does not address the concerns of visual pollution.

INTELLIGENT VEHICLE HIGHWAY SYSTEMS [IVHS]

Finally, I am pleased that the intelligent Vehicle-Highway Systems Act offered by Senator LAUTENBERG and myself has been incorporated into S. 1204. I especially thank Senators MOYNIHAN and LAUTENBERG for their strong support of the promotion and application of this technology.

IVHS has four important benefits. It optimizes our transportation resources by moving more people per road and tax dollar. Our roads will be safer because congestion and accidents can and will be prevented. We will be more productive because workers will spend less of their workday on the freeway. And finally, a more efficient highway system means fewer gallons of gasoline burned and fewer tons of air pollutants to deal with. This puts technology to work for the people. Minnesota is already a national leader in highway technology through its Guidestar Program. I am thrilled that the Federal Government is ready to commit resources to advance the implementation of this technology.

In order to one day fully realize the benefits this technology has to offer our travelers, we must first commit ourselves in the advancement of the technology, its practical use in field testing, and an evaluation process that allows us to learn the benefits and any possible drawbacks before major deployment decisions are made.

As we finish building our Interstate System, we find that we can no longer build our way out of congestion. However, the technology currently exists in the area of Intelligent Vehicle-Highway Systems that can contribute substantially to reducing congestion, while promoting increased safety and capacity, environmental concerns, and air quality. Therefore, Senator LAUTENBERG and I introduced legislation which would insure adequate funding for research, development, and testing of IVHS technology.

Currently, the United States lags far behind Europe and Japan in its efforts. It will take substantial investment to match those initiatives and begin to realize the safety and efficiency benefits of IVHS in this country.

Minnesota has already taken a bold step forward to play a leading role in the implementation of IVHS technology with its Guidestar Program. The goals of the Guidestar Program are utilize advanced technology to combat growing congestion and to improve safety on all Guidestar corridors. Minnesota has been successfully using ad-

vanced technology in traffic management programs for several years. The results of these efforts show accident reductions of 30 percent and speed increases of 25 percent for specific freeways. Overall, Minnesota has had the lowest fatality rate in the Nation for several years and will continue to promote a further reduction in Minnesota fatalities with new Guidestar initiatives. Because of Minnesota's commitment to IVHS technology, the country will reap the rewards of studying a complete application of IVHS technology in a metropolitan area within the next few years.

Real-life implementation is the key to realizing how we can all benefit from IVHS technology. To best achieve well-informed decisions in the future application of this technology, we must encourage and facilitate more projects such as Minnesota's Guidestar Program. Therefore, a clear Federal role is imperative to ensure that an integrated system ultimately emerges.

MAGNETIC LEVITATION TRAVEL

Mr. President, from my first days in this body, I have been intrigued by the potential for the use of magnetic field technology to create trains which exceed our current expectations by several orders of magnitude. Because Japan and Europe have implemented this technology, most people don't know that this idea was originated by Americans in the 1960's. Minnesota is considering a future mag-lev connection between the Twin Cities and Chicago. I am gratified that because of the leadership of Senator MOYNIHAN, this promising technology will become a reality by 1996 with a 30-mile prototype system.

CONCLUSION

Mr. President, a coordinated, efficient, and future-oriented transportation system is one of the cornerstones of our economic strength. The electron may travel 186,000 miles in a second, but moving goods and people across the surface of this planet will continue to be a national priority.

The Federal Government must be more than a cashier in surface transportation, receiving gas taxes and doling them back to the States. The National Government should pursue national purposes on behalf of all Americans:

A National Highway System which serves all highways users whether they are in Mankato, MN; Miami, FL; or Barstow, CA;

Using technology to bring us the highway of the future which move more people and goods more quickly, cleanly, and safely than we can even imagine today.

Making safety our No. 1 priority, by funding lifesaving improvements before regular construction or maintenance.

I am proud to have improved this bill in all three respects and believe we have a bill we can send on to our colleagues in the House with enthusiasm.

Economic vitality is a key to many of the freedoms and values we cherish. This bill will help America into a new century.

Mr. MOYNIHAN. Mr. President, we thank our colleague. If I might be so bold, the day may come when they name it for DAVID DURENBERGER.

Mr. DURENBERGER. Mr. President, I thank my colleague from New York. I yield the floor.

Mr. MITCHELL. Mr. President, I ask the distinguished manager whether he would yield to me time to speak in opposition to the pending amendment.

Mr. MOYNIHAN. Of course. We yield the majority leader such time as he requires.

Mr. MITCHELL. Mr. President, I urge my colleagues to reject the amendment offered by my colleague from Florida, Senator GRAHAM. The word "fairness" has been used repeatedly during this debate. But with all due respect, Mr. President, if this amendment is adopted, the greatest unfairness yet to have been suggested with respect to this bill will be caused; not by intention, because I know and respect my colleague and know he would not intentionally cause unfairness. But that would be the effect.

Permit me to explain that.

Mr. President, when this bill was reported out of committee to the Senate floor it provided for the allocation of $88 billion for highway construction maintenance over a 5-year period. That was the amount in the Senate budget resolution. As a result of the fact that the Senate receded to the House in the conference, there became available an additional $8.2 billion for distribution.

Much of the discussion and debate that has occurred in the nearly 2 weeks we have been on this bill has been over how to allocate the additional $8.2 billion. The original proposal would have taken $5.4 billion of it and allocated it under a formula which reflects the amount of gas tax and per capita income in each State and left $2.8 billion to be distributed to the so-called donor States to try to accommodate their concern over what they regarded as insufficient allocations under the regular formula.

One of those donor States is Florida. And as the Senator from Florida knows, at several meetings, I urged the amount to be allocated of the $8.2 billion devoted to donor States should be increased to half of $8.2 billion; so that of the $8.2 billion allocated, half under the formula that deals with gas tax and per capita income and half allocated to donor States as they choose. That was done.

Under the combination of those 2 formulas, 42 States received increases out of the additional $8.2 billion; 8 States received nothing out of the additonal $8.2 billion. Three of the eight States are Kansas, represented by the distinguished Republican leader; New York, represented by the manager of the bill; and Maine, which I represent.

We accepted that for two reasons. First, because we felt our States were reasonably fairly treated under the basic formula. And we understood that the $8.2 billion cushion was to go toward accommodating the concerns of those States who did not feel they were as fairly treated under the basic formula. Second, in a spirit of compromise, in an effort to move this bill forward; all of us in leadership positions and having a responsibility to the institution as a whole and to the Nation as a whole to move legislation forward.

Mr. President, this amendment, if adopted, would say if the additional $8.2 billion is not fully available during the 5-year period, then the eight States which receive nothing of the additional $8.2 billion should then receive a cut below the amount they would otherwise receive under the basic bill.

Mr. President, I submit that is unfair. That produces the result that no one could want or intend. That says that 8 States, which alone among the 50 receive no additional funds from the $8.2 billion so-called cushion will, if the full $8.2 billion is for some reason not available during that period, have to take cuts so others will receive a higher proportion out of the cushion.

I do not appeal to anyone's parochial interest in this. I appeal to everyone's sense of fairness. It is one thing to ask a relatively small number of Senators to accept a formula that provides their States with no portion of the additional funds. And it was difficult to accept. But I will speak for myself. I did so because, again, I felt our State was fairly treated under the basic formula.

But now, to say that in this circumstance, our State should actually receive a cut below that which they would have received under the basic bill, I think is just simply downright unfair. And I hope that Senators will join in defeating this amendment.

I would like to make one final point, Mr. President, as Senators think about this. Even if a State receives extra funds out of the $8.2 billion allocation, either through the formula that relates to gas tax and per capita income or minimum allocation or both, if this amendment is passed that State could still receive a net reduction in funds, because it effectively does away with the hold-harmless provision that is in the bill.

The reason that could happen is simple. If a State does not receive as much back from the $8.2 billion in additional funds as it loses if a reduction occurs in the obligation ceiling to accommodate the full $8.2 billion, then even States that would otherwise appear to be gaining funds will be net losers if this amendment is adopted. The hold-

harmless does not just protect the 8 States, it protects all 50 States, including the 42 that receive benefits under the additional funding.

That obviously would not apply to all of the 42. Those which receive very large sums out of the $8.2 billion would not run much of a risk. But those who receive relatively moderate amounts run the risk that if the hold-harmless is gone, it is gone for them, too.

So I say to Senators, if they do not want to heed the appeal of just fairness, as I hope they will, that they will consider their own self-interest. They may well be representing a State whose funds will be cut if this amendment is adopted, and if the eventuality to which the Senator's amendment addresses itself does occur.

So, Mr. President, I thank my colleagues for their attention. We hope to finish this bill soon, and I hope our colleagues will join in tabling this amendment.

One final consideration: Under the unanimous-consent agreement, if this amendment is tabled and defeated and the second Graham one is, we finish the bill tonight. If this amendment is agreed to, Mr. President, we are going to see a lot more formulas, and a lot more votes on this floor, because this will have created a situation that is simply not acceptable to many of us; certainly myself.

I will let the Republican leader and the distinguished manager and others speak for themselves.

I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, we yield the Republican leader such time as he requires, such as is available.

Mr. DOLE. How much time would that be?

The PRESIDING OFFICER. That is 6 minutes and 5 seconds.

Mr. DOLE. That will be more than enough, Mr. President. First, I want to subscribe to the argument just made by the distinguished majority leader. And then, second, to what he said at the end of his statement.

If this amendment should be adopted, then we are just beginning to work on the highway bill.

Mr. MOYNIHAN. No.

Mr. DOLE. I have learned a few things in the last few days, and one is charts are charts, and we can get plenty of them. I have worked with the distinguished majority leader and the distinguished chairman of the Committee on Appropriations to try to draw up a fair formula for dividing the level of effort, $4.1 billion pool contained in the Byrd amendment.

I learned an important fact: That any Sentor can get any kind of chart. We can sort of cook the books. If we give the right information to the people downtown, they will give us the right numbers—or the wrong numbers. I want to just review, sort of, the arithmetic.

Under the formula of the chairman of the Appropriations Committee, 33 States received a part of the $8.2 billion total; in other words, he had 66 votes. My original formula gave more money to only 18 States, so I only had 36 votes. I was 30 short.

However, with the able assistance of an overworked master of numbers at the Federal Highway Administration, we found a way to change this formula, and by this morning I had 54 votes and the distinguished chairman of the Appropriations Committee had 46 votes.

Mr. BYRD. I do not believe that.

Mr. DOLE. He probably had more. All right; that is what the numbers said. I threw in another few, just knowing the chairman of the Appropriations Committee had been working very diligently. And he had my vote yesterday, too.

But the point I would make is it is not how many numbers or how many votes. The charts can be made. And, as I recall, we were told at the outset of this highway bill we just found $8.2 billion lying under a rug somewhere. I do not know where it was. It is free money and we ought to spend it on highways.

I have been all over the building, and I cannot find quite where the money was hidden. But I did notice that my State did not get one dime of all this free money. I think the Senator from Maine noticed the same thing. So we began to ask questions. If it is not free money, if there really was not a rug that big, then do not take any more from the zero States, which is what I understand the amendment of the distinguished Senator from Florida would do. And let me commend him for his tenacity.

We pleaded: Do not make us less than zero. So we adopted a hold-harmless provision. It would be pretty hard to get less than zero. We were not willing to accept less than zero.

As I recall, the distinguished Senator from Florida was at least present during those negotiations. I did not know of any objection to that suggestion. I do not think the amendment was debated at length on the floor. It was adopted. Now we want to go back and come up with some more charts.

Again, I do not fault the Senator from Florida. Certainly, he has that right.

Let me say, the reason we did not pursue the so-called Dole amendment this morning on total effort—well, there were a couple of reasons. First, although I had the numbers, I was not certain I had the votes. I have dealt with the distinguished Senator from West Virginia before, and he is a very accurate counter. Always just give him a few because of who he is, I would throw in a few votes. So I would have to go back and get some more numbers.

I did not think 46 to 54 was enough of a margin, so I wanted to go back and at least have a 2-to-1 margin. Then even with the normal erosion you would normally get from the chairman of the Appropriations Committee, I could still eke out a victory.

But it seemed to me the best course to follow was to just suggest, as we did in the sense-of-the-Senate resolution, that the conferees consider total effort plus a couple of additions made by the distinguished chairman of the Appropriations Committee. That is why I think it is good to point out, if this amendment is adopted, we are all going to go back to the charts again. We will draw up another chart. Somebody will have another amendment. For those Senators who are looking just at the dollars, they may decide this is a little better amendment than the last one. And this could go on for some time.

It seemed to me this morning we finally had to bring this to a halt. I know the managers have been trying to do that for several days. I think they were correct. I think the Senator from West Virginia was. As I said yesterday, I agreed with half of his amendment. It was just the other half I did not agree with. I voted for the half I agreed with. There was not any chance to vote against the half I did not agree with.

I suggest we ought to dispose of this amendment or be prepared for a lot of discussion and a lot more debate, and a number of more amendments. I think many of us are prepared to do that. We think we have had our debate.

I commend the managers. I commend the Senator from Florida for, as I said, his tenacity and willingness to stick with it. But it seems to me we have reached the point we ought to move on; we ought to pass this bill and go on to the crime bill yet this evening or sometime tomorrow morning.

Mr. MOYNIHAN. Mr. President, how much time have we remaining?

The PRESIDING OFFICER. The Senator from New York should be made aware that the time allocated under the time agreement, allocated to him, has expired.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent we might allow 5 minutes for the Senator from West Virginia to speak to this matter.

The PRESIDING OFFICER. Is there objection?

No objection being heard, the request of the Senator from New York for an additional 5 minutes for the Senator from West Virginia is agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York [Mr. MOYNIHAN] for arranging for me to have this time.

I am opposed to this amendment. I am not 98 percent opposed. I am not 99-percent opposed. I am 100-percent opposed.

I recognize the right of the distinguished Senator from Florida to offer the amendment. I admire him for his tenacity. I congratulate him for his efforts to amend the bill to his liking.

I have to say to the Senator that, as the Senator who led the fight at the summit—I do not think anybody on this floor will challenge that statement here on the floor or off the floor; I would daresay the Members of the House who were present at the summit will agree—I led the fight for infrastructure, and with the support of some of my colleagues on both sides of the Hill, we carried that fight. We did not get everything we wanted, but we got a lot more than the administration representatives were at first prepared to give. The stakes in this matter are as high for me as they are for the Senator from Florida. I am as dedicated to the infrastructure of this country as is any man or woman living in this country.

I also realize, as a former majority leader of this Senate, that there has to be compromise. I recognize the need to move on to other legislation. In that spirit, I have tried to guide myself throughout. In the initial negotiations that took place concerning my original amendment, or amendments, I was asked by the majority leader to come to his office. When I reached the office, there were other Senators there: Senator BENTSEN; Senator MOYNIHAN was there; Senator BURDICK, I believe, was there. Certainly they were among other Senators who were there. But there were Senators from the donor States there. My State is not a donor State.

The amendments that I first offered, as has already been explained here, did not deal with the donor States' problem. That does not need any further explanation. But when I heard the case of the donor States, as related by Senator BENTSEN, Senator WARNER, and others, I immediately recognized that something needed to be done. I felt that my amendment benefited 33 States. I felt that I could probably get 66 votes or more, or even if less, certainly a majority. But I also recognized the fact that the donor States were willing to make a fight. I heard Senator WARNER say, "We will fight on the beaches, we will fight in the air, we will fight here, we will fight there," and I think JOHN WARNER meant that. Just for purely practical, political reasons, I recognized the need to modify my amendment.

But on the basis of fairness, which goes deeper with me, on the basis of fairness and reasonableness, I saw the justice of their case. Having lived now close to 74 years, I have reached certain conclusions in my life long before this. One is, you have to give and take in this life; you cannot have it all your way. And having worked 22 years in the leadership in this Senate, I long ago learned that one has to take into consideration the needs of his colleagues. I adopted that spirit as we discussed these matters. The majority leader, having called the meeting, asked me to consider splitting the $8.2 billion. I said, let me think about that.

The PRESIDING OFFICER. The Chair informs the Senator from West Virginia that the 5 minutes heretofore requested has expired.

Mr. MOYNIHAN. I ask unanimous consent 2 additional minutes be allowed.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has the floor.

Mr. BYRD. I said I cannot hold this piece of paper up right now and accept it. I need to study it. I will certainly study it. I came back and said, OK, we split.

Then the next request was on the basis that we protect the States, that we guarantee to those States which are in the bill and which were not benefited by these two amendments, the donor amendment and the level-of-effort amendment, that they be held harmless. And that was a fair request. So I agreed to include that.

The Senator from Florida has explained his amendment. I would like to say that the level-of-effort program is just as important to my State as the donor program is to Florida. I will make every effort to provide as high an obligation ceiling as possible when the transportation appropriations bills are considered.

As I stated this morning, no one can provide guarantees as to what the funding levels might be in future years. We do not know what the economy and other factors are going to be like. The level-of-effort program is on the same footing as the additional donor State program. As the Senator from Florida knows, if sufficient obligational authority is not provided to fully fund each of these programs in future years, a proportionate reduction will be made in both. I have as much at stake, as I have said, in seeing that they are funded as does the Senator from Florida. But I know of no way to provide a guarantee as to what a future obligational ceiling will be.

The Senator knows my strong commitment to infrastructure. And he knows that it is very important to me and that I believe it is very important to the Nation. While I understand the concerns of the Senator from Florida, I oppose his amendment. The hold-harmless provision is the underpinning of the amendment which I offered. It is the underpinning. Because not all States benefit from my amendment, it was agreed among the negotiators that the hold-harmless provision is a critical element of the amendment. If this provision were to be amended, then the Senator from Florida must know that he will threaten to take down the entire amendment and the entire agreement.

Mr. President, I urge Senators to oppose this amendment. If it is agreed to, we will not finish this bill this week; we will not finish this bill next week, and we will be back on it after the July 4 break, and I do not know when or whether we will finish action on the bill.

But we need to get on with the bill. We have two appropriations bills on the calendar right now that are important to all the States. The energy and water appropriations bill certainly is. The other is the legislative appropriations bill. They are both important bills.

I was talking to the majority leader earlier today and expressed the hope—I know his problems in scheduling—I expressed the hope that we will get those appropriation bills passed before the July 4 break. But if this amendment carries, we will not get them passed, and the Senator from Florida will be bringing down this bill, and I will nickname him Sampson in the future if he brings down the temple crashing around our ears. He does it, of course, not with the intention of killing the bill, but that would be the effect.

I hope that Senators will vote the amendment down by a vote to table it. I urge Senators to vote to table it. Hear me. If this amendment were to carry, the agreement is broken, the underpinning is gone, and the Senate will go home for the break without having passed this bill.

The PRESIDING OFFICER. The time allocated has expired. The Senator from Florida is recognized. Senator GRAHAM has 17 minutes left.

Mr. GRAHAM. Mr. President, am I correct the time for the opponents of the amendments has expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I would like to take a few moments to close on my amendment, but before I do so I would like to extend my appreciation to some people who have been very helpful to me and to this process over the past several weeks.

First, Miss Juliana Walsh of my staff and Mr. Mike Niedhart, who is a student at the University of South Florida, who has been working as an intern specifically on the transportation issue. Also, Mr. President, three representatives of the Florida Department of Transportation who have been assigned at the direction of our Secretary of Transportation, Mr. Ben Watts: Mr. Doug Callaway, Mr. David Lee, and Mr. Bill Taylor. I would like to express my appreciation to all of them, although I wish to absolve them from any of the responsibility for the dire, even biblical, consequences which may happen should this idea be of sufficient merit to justify a majority vote by the Senate. I am really quite surprised that this idea is considered to be of such moment. To me it is relatively modest and straightforward.

What the current structure of our Surface Transportation Act has be-

come is a dog which arrived here weighing $105 billion, a dog that we will call donkey. It is still a dog, but the manager of this bill, the senior Senator from New York, wishes to refer to it as a donkey. This dog arrived at $105 billion. It was a dog that many of us found very distasteful because it was carrying forward into 1996 many of the very features that had caused us to be so irritated, to find so many fleas for the many years in which it has existed. We scratched and we found that in this $105 billion dog was the 1980 census to be used through the year 1996 as a factor in the distribution of Federal funds. I know the Presiding Officer would find that a difficult fact to explain to the citizens of the State.

We also found, as we scratched this dog, that we were using the 1916—1916, that is not a mistake, Mr. President—postal road formula as another significant factor in the allocation of Federal funds through the year 1996. So that many of us were disturbed about this.

Frankly, we were also disturbed because we looked back over the past many years, and in the case of States like North Carolina for 30 or 40 years they had been very significant donors, that is, they had shipped large amounts of money to Washington and received significantly less in return. We thought this would be the time—new departure, new direction, new post-interstate era—that we would have a formula which would reflect some new reality and fairness. We were disappointed with the dog.

So the dog came to the Senate floor. Some of us thought, let us change the dog. Let us offer some amendments that will be within this $105 billion and make this dog more attractive.

We did not find much receptivity. We have had a hard time getting anybody who would come to the kennel and talk to us about changing the dog. But then someone came forward with the idea, hey, let us put a tail on this dog. This old, mangy critter, old and blind in one eye, let us make it look better by putting on a fancy tail. And it was not an inexpensive tail either. It was a tail that was going to cost $8.2 billion. Not very many people have seen tails of that quality. And so that was going to be hung onto the dog in order to make the overall animal balanced.

The tail was divided in half. The right half of the tail was to be distributed based on a concept of State effort and poverty. If you had more and you had less, you received more Federal funds. The other half of the tail was to be distributed to those States that have over the years and under this bill been donor States, that is, they have shipped money. Not to make us whole, Mr. President. We would like to ask for that, but that is not going to happen. But at least let us have some minimum expectation. That was what the second half of the tail was all about.

But a funny thing happened in the process of putting this tail and dog together. That is, instead of having a good plastic surgeon who could fully secure the tail to the dog, we found that we had an amateur.

That word "amateur" is inappropriate because it assumes that the person did not know what he was doing. In fact, it was rather skillful, it was pure professional, but his job was somewhat like the children's game where you are blindfolded and you have a tail and you go stick it on the dog, which we will call donkey. And so it was just stuck on like velcro. It was not, as with the plastic surgeon, fully attached.

And so that is where we are today. Should we bring in the plastic surgeon, which this amendment will do, and fully attach the tail to the dog or should we continue to have the velcro tail?

Why should we bring in the plastic surgeon? I would suggest the following reasons. One, no State loses under this amendment if we fund the program as fully as we have said we are going to fund the program. When over 90 Senators voted for Senator BYRD's amendment, they did so in the expectation that we would have the full amount, we would have the dog and we would have the fancy tail. And what we want to do is assure the fullest support not only tonight but through 1996 for a national transportation program as an important part of meeting our infrastructure needs. We ought to have everybody wanting to be part of fully funding that program. That is exactly what this amendment will do. Every State will get exactly, to the penny, what they have expected if every State comes together. This amendment says when we all get the full amount of money, we will all get individually what we want.

The bill itself says that if we get less than the full amount of money, there are going to be some of us dogs who are not going to get very much porridge at all if this dog eats porridge.

Second, fairness becomes a function of looking at the animal. Clearly, the $105 billion dog that came from the committee was not a fair dog. It had tremendous mistakes. It had 40 percent of the States in the Nation, more than 40 percent in fact, in the minimum allocation category. That is to say, they did not even get what was considered to be the basic diet. They had to get a special supplement to be brought up to basic adequacy. It is hard to argue that a formula that puts 40 percent of the States in America in a minimum allocation pool is a very fair formula for distribution.

I would like to suggest this. If any one of those States, any one of those eight States that did not participate in the amendment of the Senator from West Virginia would like to change positions with the State of Florida, we will be glad to take their position. We will take their position after they get zero money under the amendment of the Senator from West Virginia.

I do not see very many coming forward and suggesting that they would like to make that trade.

Mr. BYRD. I would certainly be happy to exchange West Virginia's money for Florida's money.

Mr. GRAHAM. If we could on a proportional basis. If we could on the basis——

Mr. BYRD. That is an addendum.

Mr. GRAHAM. Of a contribution——

Mr. BYRD. Now he is adding a codicil.

Mr. GRAHAM. If we could on the basis of contribution, we would be happy to undertake the same dollars in an attempt to meet the needs of our folks that the Senator is going to provide, very appropriately, for the citizens of West Virginia.

Finally, Mr. President, we are going to put a lot of our States at very great risk. I see the Senator from Illinois has just arrived on the floor. I happened to have run a calculation for the State of Illinois. Illinois is going to receive, if the Byrd amendment is fully funded, $164 million over the 5-year period from the minimum allocation portion of the Byrd amendment.

That $164 million will represent more than 5 percent of all the transportation funds that the State of Illinois would get in the next 5 years. So the State of Illinois will be at significant risk if the Byrd amendment is not fully funded. Illinois is not in as bad a shape as its neighbor Indiana which has 11.4 percent of its total highway funds represented by the minimum allocation funds in the Byrd amendment.

So we have a significant number of States with a very high proportion of their total transportation funds at risk unless we can assure that everybody gets their expectation by fully funding the legislation.

The Moynihan-Symms dog and Senator BYRD's beautiful tail, that is all that my first amendment seeks to do. It is just fundamental fairness, the United States of America united toward the common goal of fully funding Senator BYRD's amendment.

I do not want to see anyone pull that Velcro tail away from our dog which I fear will be a very great temptation particularly when we get to 1996 when we are going to be distributing $3.3 billion, and, of that, $2.8 billion will go out in that 1 year alone. There will be tremendous political pressure to use that $3.3 billion for some other purpose than seeing that these relatively few, 40 percent, of the donor States that have that little bit of Ken-L-Ration necessary to sustain their transportation well-being.

Mr. President, that concludes my comments on amendment No. 1.

Just to briefly mention amendment No. 2 which no one has spoken to, so I assume it is accepted, and I would——

Mr. BYRD. Mr. President, will the Senator yield on amendment No. 1?

Mr. GRAHAM. I yield. Mr. President; how much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes 30 seconds.

Mr. GRAHAM. I would like to reserve my 4 minutes 30 seconds for some brief comments on amendment No. 2. With that, I ask unanimous consent for that.

I will yield.

The PRESIDING OFFICER. If there is no objection to the unanimous-consent request——

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

If there is no objection, the unanimous-consent agreement propounded by the Senator from Florida is agreed to, and the——

Mr. SYMMS. Reserving the right to object. I will not object, but we have had some requests that we do not allow this to be extended much longer than the time that is allotted. If we are not talking about yielding for more than 1 minute, I do not think there is any objection. If we go beyond that, we will object.

Mr. BYRD. Mr. President, I thank the Senator for his willingness to yield. I do not have any question.

Mr. GRAHAM. Mr. President, the second amendment, on which there has been absolutely no comment, and I will say should have no effect in terms of causing this bill to be open for other amendments because it relates strictly to what happens within a State rather than the allocation among States.

What this says is that we would essentially maintain the status quo in terms of a State's flexibility to use its funds as between maintenance and new capacity. Under the current law, a State can use its highway funds and its bridge funds interchangeably between maintaining an existing facility or building a new facility as it deems is most appropriate to its needs.

Under this bill, for the first time, there will be a distinction. You will get 80 percent Federal participation, or to put it another way, a State would have to come up with 20 percent in order to draw down 80 percent for maintenance. But a State would have to come up with 25 percent to draw down 75 percent if it is a new capacity addition.

Frankly, for States like mine, growth States that have the need to be able to provide transportation for folks from West Virginia, Illinois, New Jersey, New York, and Idaho who are coming, that is very serious, and I think the policy takes an irrational position. It has absolutely no effect on allocation among the States. It is strictly a matter of should a State which has the need to provide new capacity, additional lanes, of a highway or to build a new bridge in order to serve an expanding population, should they be discouraged from doing that, because they would get a less advantageous match. More State funds would be required in order to draw down the same amount of Federal funds.

No one has spoken against that amendment. I hope that indicates that there will be a receptivity to that amendment which is internal to States, in terms of their ability to access the Federal funds. It will not add $1 to what a State has available to it from the Federal Government. It will just affect the ability of the State to access for maintenance as opposed to accessing for new capacity.

Those are the two amendments, Mr. President.

If no one else wishes to speak, I am prepared to yield back the remainder of my time.

Mr. LEVIN. Mr. President, I have received assurances from Chairman BYRD that he will work hard and to the very best of his ability for full funding of this bill for its 5-year duration, including the Byrd-Bentsen amendment. Those assurances of the distinguished chairman are more valuable than the passage of an amendment which may or may not survive conference, and I thank him for them.

Mr. BYRD. I was happy to provide those assurances to Senator LEVIN, because that is my intent. I also commend Senator LEVIN for the strong and successful efforts he made, along with Senators BENTSEN, WARNER, METZENBAUM, BOND, and others on behalf of those States such as Michigan which have contributed more over the years to the highway trust fund than they have received back.

Mr. President, I thank the distinguished Senator, and I want to express appreciation for his contribution to the effort. He has discussed in the course of our debate these matters with me a number of times, and always was very interested in what the impact would be on his State of Michigan. I found him to be understanding, highly dedicated to his own State, and to the interests of the Nation. I wish to thank him very much.

Mr. LEVIN. Mr. President, over the past days, Senators from the donor and donee States have worked hard and in good faith to try to reach an agreement which would allow us to reauthorize the highway program and to provide some greater measure of fairness to the donor States. I believe that the Byrd-Mitchell-Bentsen amendment passed yesterday represents such an agreement.

For my State of Michigan it means a substantial improvement in the rate of return from the highway trust fund if the program is fully funded. Whereas over the past 5 years Michigan has averaged 83 cents on the dollar, the bill in its current form would raise that to 99 cents on the dollar, if fully funded.

The Graham amendment, if approved, could result in the collapse of this effort to achieve a greater measure of fairness. It's been made clear during the debate by the chairman of the Appropriations Committee and others that the adoption of this amendment would result in a filibuster against the entire bill. That would not be to the benefit of States like Michigan for which the status quo is unacceptable.

In addition, under the terms of the Byrd-Mitchell-Bentsen amendment itself, there is a good chance that the highway bill will be fully funded because both donor and donee States benefit from that amendment. Key to full funding is the support of the chairman of the Appropriations Committee, and I put faith in his representations to me that he will do his best to fully fund the entire highway bill, including the Byrd-Bentsen amendment, which substantially benefits not only the State of Michigan, but the State of West Virginia as well.

I will, therefore, vote to table the Graham amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, on behalf of Senators MITCHELL, DOLE, BYRD, SYMMS, and MOYNIHAN, I move to table the amendment, and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York to lay on the table the amendment of the Senator from Florida.

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 Arizona [Mr. DECONCINI] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—81

Adams	Cochran	Grassley
Akaka	Cohen	Harkin
Baucus	Conrad	Hatch
Bentsen	Craig	Hatfield
Biden	Cranston	Inouye
Bingaman	D'Amato	Jeffords
Bond	Danforth	Johnston
Boren	Daschle	Kassebaum
Bradley	Dixon	Kennedy
Breaux	Dodd	Kerrey
Brown	Dole	Kerry
Bryan	Domenici	Lautenberg
Bumpers	Durenberger	Leahy
Burdick	Exon	Levin
Burns	Ford	Lieberman
Byrd	Garn	Lott
Chafee	Gore	Lugar
Coats	Gorton	McCain

McConnell	Riegle	Smith
Mikulski	Rockefeller	Specter
Mitchell	Roth	Stevens
Moynihan	Rudman	Symms
Murkowski	Sarbanes	Wallop
Packwood	Sasser	Warner
Pell	Seymour	Wellstone
Pressler	Simon	Wirth
Reid	Simpson	Wofford

NAYS—17

Fowler	Hollings	Nunn
Glenn	Kasten	Robb
Graham	Kohl	Sanford
Gramm	Mack	Shelby
Heflin	Metzenbaum	Thurmond
Helms	Nickles	

NOT VOTING—2

DeConcini	Pryor

So the motion to lay on the table the amendment (No. 363) was agreed to.

Mr. MOYNIHAN. 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. MOYNIHAN. Mr. President, the majority leader is seeking recognition, and we need order.

The PRESIDING OFFICER. Order in the Senate.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the next vote be a 10-minute vote.

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

Mr. LIEBERMAN. Mr. President, the Senator from Florida has proposed cutting the State matching share for projects that expand highway capacity from 25 percent to 20 percent, which is the same percentage as the maintenance and rehabilitation projects.

There are serious problems with this proposal. First, the Federal Highway Administration strongly opposes it. FHWA is concerned about stretching available Federal funds for a larger number of projects, and this amendment would move in the opposite direction.

Second, the committee bill is simply continuing the existing matching ratios that are in current law for the great bulk of Federal-aid road projects. The committee bill funds the remaining pieces of the Interstate System at a 90–10 Federal-State ratio, the same ratio as has prevailed for decades. And the rest of the road system—our primary, secondary, and urban systems—are now funded at 75–25, the same percentage as proposed by the committee. The proposed amendment would change that ratio; it is not a return to existing law, it is change in it.

Finally, the committee made a judgment based on the fact that we have a huge problem with deteriorating roads in the United States. The Office of Technology Assessment tells us that half our noninterstate roads are deteriorating or deteriorated. Half. We have a huge Federal investment in that system. The committee decided to give States a modest incentive to maintain our existing roads by upping the maintenance and rehabilitation percentage to an 80–20 ratio. It was the right policy decision. We see the Nation's infrastructure rotting around us. It is a major long-term detriment to our national economy and competitiveness. For too long Federal transportation policy has ignored the needs of maintenance and rehabilitation; it is time to change that policy. The committee bill attempts to do just that. It deserves our support.

AMENDMENT NO. 364

Mr. MOYNIHAN. Mr. President, on behalf of Senators MITCHELL, DOLE, BYRD, SYMMS, and MOYNIHAN, I move to table the amendment and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York to lay on the table the amendment of the Senator from Florida.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—72

Adams	Exon	Metzenbaum
Akaka	Garn	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Biden	Gorton	Murkowski
Boren	Gramm	Nickles
Bradley	Grassley	Pell
Breaux	Harkin	Pressler
Brown	Hatch	Riegle
Burdick	Hatfield	Rockefeller
Burns	Inouye	Roth
Byrd	Jeffords	Rudman
Chafee	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Conrad	Kennedy	Simon
Craig	Kerrey	Simpson
Cranston	Kerry	Smith
D'Amato	Kohl	Specter
Daschle	Lautenberg	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Wallop
Dole	Lieberman	Wellstone
Domenici	Lott	Wirth
Durenberger	McCain	Wofford

NAYS—26

Bingaman	Graham	Packwood
Bond	Heflin	Reid
Bryan	Helms	Robb
Bumpers	Hollings	Sanford
Coats	Kasten	Seymour
Cohen	Lugar	Shelby
Danforth	Mack	Thurmond
Ford	McConnell	Warner
Fowler	Nunn	

NOT VOTING—2

DeConcini	Pryor

So the motion to lay on the table the amendment (No. 364) 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.

TRIBUTE TO MANAGERS OF THE BILL: SENIOR SENATOR FROM NEW YORK, SENATOR MOYNIHAN, AND SENIOR SENATOR FROM IDAHO, SENATOR SYMMS

Mr. DOLE. This has been a long, trying 2 weeks, but through it all, they managed the bill with good humor, fairness, and a steady hand. This is a complicated bill that sets a revolutionary course for our Nation's transportation policy. The headlines and votes may have been about money and dividing the pie among the 50 States, but this bill is much more significant than many people realize. We owe a large debt of gratitude to Senators SYMMS, MOYNIHAN, CHAFEE, and BURDICK for getting us to this point.

LEVEL OF EFFORT/HIGHWAY SPENDING

Mr. MITCHELL. Mr. President, looking at a State's overall level of effort on highway spending is important if a fair and equitable formula to allocate bonus money is to be contained in any conference report on this legislation.

As my colleague the minority leader has already mentioned, the gas tax alone is not always indicative of a State's effort. Some States choose to appropriate State spending for highways, others raise funds for highways from sales taxes or vehicle registration, as well as trucking fees.

In fact, some States use their gas taxes for other purposes: Reducing the State deficit or other spending not related to highways. Therefore, I believe that looking at total State effort on behalf of highway funding is a better measure than simply the gas tax alone in conjunction with per capita income.

Another reservation that I have about the Byrd formula adopted by this Chamber yesterday is that States may easily game the outcome. The formula awards high gas tax levels, but does not require that the gas tax be used for highway spending.

Therefore, a State could increase its gas tax to trigger the bonus funds and reduce other taxes so that the net amount of money raised would be the same. In fact, funding on highways could even decline.

For Maine, about 20 percent of the funds spent for highways are derived from vehicle registration costs. Less than half of the State's funding comes from gas taxes.

It is important for the conferees to find an appropriate measure reflecting total State effort on a per capita basis so that one State's efforts can be compared to another State's efforts and that the overall level of effort by the State be rewarded.

Mr. DOLE. Mr. President, I am proud to say that we have made an important step toward enacting a key piece of the President's domestic agenda today. March 16, President Bush gave the Congress a challenge: Enact needed highway legislation in 100 days. While we are a bit short of sending a final product to the President's desk for his signature, I am proud to say the Senate has met this challenge in good faith.

With the enactment of this vitally important legislation, the Nation will move dramatically forward to meet current and future needs with regard to our transportation system.

I believe this legislation provides the necessary elements for a broad national consensus: Fairness, flexibility, and adequate funding.

FAIRNESS

States, and particularly my State of Kansas, come much closer to receiving a fair distribution of funds. In the past we have seen a wide disparity between so-called donor and donee States. This bill narrows this gap. The bill also recognizes the needs of both rural and urban areas. Particular care and attention has been paid to each of the 50 States who have a wide variety of needs and different approaches to achieving their own goals.

FLEXIBILITY

A key element in the bill is a reduction in the number of categories for project funding. I am particularly pleased by this. Under the legislation, the four new, simplified categories will provide greater resources and flexibility for States like Kansas to bring resources to bear on unique State problems. And, because of my amendment, one key element of this bill is the flexibility it provides to the Kansas Department of Transportation to shift funds to higher priority categories, giving Kansas more say in how we meet our own particular needs without having them dictated from Washington.

In Kansas, this will be particularly helpful. Recently enacted State highway construction legislation will be effectively supplemented by the flexible funding portions of this bill.

FUNDING

The highway bill also reflects a new commitment to adequate funding of highway programs. Overall 5-year spending under the bill will be nearly $93 billion. For Kansas this means just over $1 billion. Kansans will receive $178 million in fiscal year 1992, up from $135 million in fiscal year 1991. Over the 5-year period, Kansans will receive $1.05 for every Kansas tax dollar spent—a vast improvement over the 1987 highway bill where Kansans received $688 million over 5 years and slightly over 85 cents on the dollar. I think Kansans will agree this is a major improvement over previous years, and increases Kansas highway funding significantly, representing a direct and tangible benefit for Kansas taxpayers.

NATIONAL HIGHWAY SYSTEM

Mr. President, I am also extremely pleased that the President's National Highway System concept is included in the bill. As my colleagues know, the National Highway System is an important step toward focusing the Federal investment on a select, integrated network which will ensure a productive and nationally efficient system. In Kansas, this will initially include roughly several thousand miles of roadway that will be a part of the National Highway System.

KANSAS AMENDMENTS

Mr. President, in addition, Kansas should benefit from several amendments I sponsored and were included in the bill.

COMMERCIAL DRIVERS LICENSE

Under this legislation, Kansas farmers, custom harvesters, retail farm supply vehicle drivers, and livestock feed drivers will be relieved of needless Washington redtape imposed by commercial drivers license requirements that, if left in effect, threaten agricultural producers with increased transportation costs and other impediments to production. This is the third time the Senate has passed this waiver in the past 2 years. It is my sincere hope that the House will act expeditiously to include this language as well.

HOMEBOUND MEALS

I am also pleased that another amendment of mine was adopted that will be of great benefit to Kansans who are homebound and receive meal service. Homebound meal service providers will be able to coordinate on a regular basis with section 18 service providers. This flexible cooperation agreement should be a great improvement in service for homebound meal recipients in Kansas and will make more efficient use of vehicles used for other transportation purposes.

ETHANOL

Mr. President, the Senate has also adopted another amendment of mine that should serve to eliminate a marketing practice that is of concern to me and that could effectively take ethanol-blended gasoline out of the marketplace.

I recently learned that a major oil company, that has a pipeline running through Kansas, was unfairly taking advantage of an Environmental Protection Agency standard that precludes adding ethanol to gasoline that already contains two percent MTBE. This marketing practice effectively prevents ethanol from competing with other gasoline and gasoline blends.

I contacted representatives of the American Petroleum Institute to see if this problem could be worked out without legislation. Unfortunately, we were told that API was not in a position to do anything, therefore making this amendment necessary.

This amendment simply says that if oil companies want to include MTBE in gasoline that is shipped within the common carrier pipeline network, they must blend enough MTBE to be in full compliance with the Clean Air Act.

Mr. President, Congress intended that the Clean Air Act provide incentives and requirements that will produce a variety of competing alternative fuels in the domestic market. Once you mix MTBE into gasoline, you cannot add other clean fuel blends such as ethanol. It is important for American domestic energy security, and for the American farmer and taxpayer, that ethanol blended gasoline be allowed to compete in the clean fuels marketplace in the United States.

LEVEL OF EFFORT BONUS

Mr. President, two important amendments of mine were included in the Senate version of the highway bill that effectively meet the President's goals that States should spend more of their own resources on their own highways. My approach has been to find ways to give States incentives to do more themselves with their own resources to finance their highway programs.

LEVEL OF EFFORT STUDY

Three months after the final highway bill is enacted, my amendment will require the Secretary of Transportation and the Director of the Bureau of Transportation Statistics to undertake a comprehensive study of the most appropriate and accurate way to calculate State level of effort in funding surface transportation programs.

The distinguished chairman of the Appropriations Committee has already made an important contribution with his amendment to the highway bill. Indeed States that pay more themselves should get credit for it. I believe that this study will further improve upon this important policy goal.

DOLE-MITCHELL LEVEL OF EFFORT AMENDMENT

In addition, Mr. President, to further improve upon the concept under the Byrd approach, the distinguished majority leader and myself offered, and the Senate accepted, an amendment that directs the Senate conferees to consider each States total effort for highways within the bridge program, interstate maintenance program, and surface transportation program before final passage of the bill.

Mr. President, at the heart of the so-called level of effort debate is a lot of statistical information, endless charts and constantly changing ways to calculate State highway financing contributions. My approach has been simple: First, let's see what States actually contribute to their State highway spending programs from all sources. The earlier approach had been to tie level of effort bonuses only to State gasoline tax revenues. However, the flaw here was twofold.

Since States utilize a variety of different sources of revenue to finance

highway programs, and Kansas is no exception, State gasoline taxes make up only a portion of what we spend on highways. To limit the level of effort to gasoline taxes alone penalizes States that have a broad-based State highway financing program, and invites gaming of the system through artificial increases in State gasoline tax revenues to take advantage of the Federal bonus program with no guarantee that the State will have dedicated these gas tax revenues to their own highway programs.

Second, it is well documented that many States use gasoline tax revenues for other important State spending priorities such as agriculture, environment, aeronautics, wildlife preservation, and many other categories. In order to calculate the true level of effort that a State is making toward highway spending and reward it appropriately, we need to know where State gas tax revenues are actually being spent and make this a part of the calculation.

CONCLUSION

Mr. President, I believe this is a good legislative package. I urge my colleagues to support the bill.

AMENDMENT NO. 333

Mr. SIMPSON. Mr. President, on Thursday, June 13, this body adopted without discussion, an amendment to S. 1204. Amendment No. 333 imposes a clean gasoline requirement upon U.S. refiners who transport gasoline products in common carrier pipelines.

The amendment was accepted by unanimous consent while I was not present on the floor. Upon closer scrutiny, I have some serious concerns that I would like to place on the record. I would like to reserve the opportunity to discuss the matter in more detail with the sponsors of the amendment. I have no reason at all to believe that the intent of the amendment was not in the best interests of our domestic refining industry. But I am very concerned about how the amendment would impact this industry, and the American consumer, upon its implementation.

It is my understanding that the amendment would severely restrict the types of gasoline allowed in common carrier pipelines to the following formulation: those that can be used as blend stock for waivered fuel or fuel additives; or legally waivered fuel or fuel additives. Gasohol is the only fuel which qualifies under these restrictions. Although I do appreciate the importance of gasohol as an alternative fuel, MTBE-blended gasoline is equally as important and under this amendment I am very concerned that it possibly could be interpreted to specifically disallow MTBE or other oxygenates—other than ethanol—to be added as a fuel blend to a product, later to be carried by a common carrier pipeline.

MTBE is often used to meet the requirements of the Clean Air Act for reformulated gasoline or oxygenated gasoline for CO nonattainment areas. This amendment could well prohibit the transport by common carrier of gasoline blended with MTBE or other oxygenates, reducing movement of product to transport by truck or the alternative of adding the blend at the terminal. I am informed by refiners that the restrictions that this could cause could ultimately be so severe that gasoline shortages could occur. I have no doubt whatever that this is surely not the intention of the amendment's authors, but it may surely be a result of this amendment if changes are not made.

We fought this similar battle in the Clean Air Act. I know there is room for compromise here, while still meeting all of the environmental standards that we have set up for ourselves. As a continued detailed assessment of the impact of this amendment is determined, I would wish to reserve the right to revisit this issue in conference if it is not resolved prior to that time.

THE NATIONAL RECREATIONAL TRAILS TRUST FUND ACT

Mr. SEYMOUR. Mr. President, as written, the National Recreational Trails Trust Fund Act would provide that the moneys returned to various States be administered by an existing recreational trail committee. If a State has two such committees with similar charters, is it your intention that these moneys be administered by the existing body within a State which already has spending jurisdiction over State gas tax revenues from nonhighway recreational use.

Mr. SYMMS. The Senator's interpretation of the intent of the legislation is fully accurate.

Mr. SASSER. Mr. President, I wish to take a few moments to offer some observations about the surface transportation reauthorization legislation that is presently before the Senate. I have listened very carefully to the remarks of many of may colleagues on this subject. While we may have varying points of view about what should be in the final bill, I think we all agree that it is important that we pass a bill.

Mr. President, I view this reauthorization process as both a unique opportunity and critical challenge. The Interstate System is close to completion. Our first concern will necessarily be to improve and maintain the Federal investment in the 43,000 mile interstate network. Yet, we can now begin to broaden our transportation perspective with a view towards future transportation needs of the year 2000, it is absolutely imperative that we, in this reauthorization bill, take a very careful assessment of the state of America's infrastructure today, in 1991.

There have been various studies and estimates relating to the state of this Nation's annual infrastructure needs. Including the entire infrastructure stock, those needs are well in excess of $40 billion annually just to maintain the current system.

That is the challenge that is before us. While we will certainly look ahead to critical research and innovative technology, such as the intelligent vehicle highway system, we must, nonetheless, face the realities of the roads and bridges and mass transit systems throughout the Nation and in our individual States as they exist today.

Mr. President, although we in Tennessee are very proud of our cities, Tennessee is a primarily rural State. We are a donor State. Since 1957, Tennessee has contributed some $4.9 billion into the highway trust fund. In fiscal year 1989, Tennessee contributed $337 million into the highway trust fund. Tennessee's return on that contribution was 74 cents on the dollar. In addition, Tennessee presently has one of the highest gas taxes in the Nation at 21 cents.

The Tennessee Department of Transportation estimates that Tennessee will need some $12 billion over the next 10–20 years just to maintain the current system. Currently, the State department of transportation spends $180 million annually just to maintain our roads.

However, Mr. President, much work remains to be done. Tennessee's most critical need is to increase capacity on the primary system. In 1986, Tennessee undertook an ambitious road program. Based upon that program, 387 miles remain to be constructed.

It is important, therefore, that the flexibility of States to address their individual problems must be recognized in reauthorizing surface transportation legislation. It is important that the bill we are about to adopt will indeed provide that degree of flexibility that State and local governments must have if we are to turn the tide on the deterioration of our vital national infrastructure.

Mr. President, I had hoped that we might have made more fundamental changes in the donor State situation. However, the Byrd amendment does, at least, attempt to restore some degree of equity to the situation faced by Tennessee and other donor States. Equally important, the Byrd amendment, which was overwhelmingly adopted, recognizes the special effort that Tennessee and other States with high gas taxes have taken to address their individual transportation needs.

At the beginning of my remarks, I stated that approval of this particular reauthorization bill provides this Nation with a unique opportunity and a critical challenge. Above all, I believe that this reauthorization bill will set the framework for the future. The degree to which we meet that future challenge of providing safe, efficient,

and innovative transportation alternatives will depend vitally upon the transportation decisions that will be made over the next 5 years as a result of this reauthorization bill. In that larger sense, Mr. President, our work has just begun.

Mr. SIMPSON. I rise today in support of the bill. I commend the herculean efforts of Senators MOYNIHAN, SYMMS, BURDICK, and CHAFEE to bring to the full Senate this sound and reasonable bill. I also want to thank the always patient majority leader and our fine Republican leader for their excellent work on this legislation.

Congress will not have succeeded in presenting the bill to the President within the 100-day goal, and that is regrettable. I urge the House to act expeditiously. It has not been an easy or smooth road to bring this bill to final passage in the Senate. There are many tough surface transportation policy questions which have been addressed by the authors of this bill in a positive, progressive, and thoughtful manner.

This is always an interesting piece of legislation. It is the kind of bill which requires us to be members of a national legislature, looking after the interests of our national infrastructure. All of us realize the challenges we face. Prior to bringing this bill to the floor, members of the Environment Committee carefully studied our transportation policy and our national needs as we approach the 21st century: What efficiencies can be derived by different modes of transportation? What are the best means to improve productivity? What impacts will our decisions have on GNP and trade? We all came to this debate with the full intention of addressing these important concerns critical to our Nation's future. The way we do our work on this bill is a weighty, national responsibility. This $120 billion legislation will fund and guide the direction of this Nation's surface transportation activities for the next 5 years.

But in the last few days of this bill's consideration, the debate became very parochial. We are all here, in part, to represent the needs of our States. We have all battled it out since last Thursday over a new pot of $8.2 billion that may or may not eventually be appropriated for highway projects. It has been somewhat unpleasant and frustrating at times.

But what we have finally settled on is a good bill. I don't want us to lose sight of that. It would authorize $90 billion for highways, and perhaps another $8.2 billion, over the next 5 years. It spends $20 billion on mass transit needs. This is very adequate to meet the needs of all affected States; 46 of 50 States receive a significant increase in funding over the average amounts they received in the last 5 years. The bill provides important flexibility for all States to meet their own unique needs. If they have urban congestion problems, moneys can be spent on important relief techniques. If an area suffers from pollution and noncompliance with the Clean Air Act, moneys are available to address and help rectify those problems. If a State has lots of wide open spaces and plenty of miles of highways that need to be maintained—moneys are available. States which have bridges which are in disrepair are able to use their moneys to fix these bridges or build new ones. The bill recognizes the mass transit needs of some States. Mass transit is a foreign concept in Wyoming unless you're talking about the spring hauling of cattle up to their summer pastures. However, I won't argue for 1 minute that urbanized areas are not in desperate need of funds to meet their unique needs, and I am pleased that this bill provides that funding.

I am pleased at the way this bill appropriately reflects our national surface transportation policy. I also want to express my statisfaction at how Wyoming is treated in this bill. We receive $602 million over the next 5 years, which is a 44-percent increase in funding over the previous 5 years. The bill contains an important provision for Wyoming which permanently increases our truck weight allowance in order to keep us competitive with all our surrounding States. Without this provision, we would lose companies, jobs, and revenues. The bill grants valuable planning authority to our State officials, and directs funding to the upkeep and maintenance of our highway system—a system which will be determined by our State officials. It includes an increase in moneys for important road and transportation projects on public lands, including national parks, forests, and Bureau of Land Management properties.

There are some controversial provisions which affect important industries in very different ways. Wyoming will most certainly experience a conflict between our railroad and trucking industries. But controversies and compromises are an anticipated component of the legislative process.

I have heard the concerns of my colleagues from the States who pay more into the highway trust fund than they receive. These States are facing increasing needs to meet high growth, and I can appreciate the efforts of their Senators. I also fully understand the needs of colleagues from States such as mine who receive more money out of the trust fund than they put in. If we in Wyoming, with a total population of 453,588, were limited to receiving only the amount of money we contributed—I can assure you we would have some very, very poor roads for you folks to use when you come out to see the Grand Tetons and Yellowstone National Park. We all have legitimate concerns and pressing needs. But we are not 50 separate countries, self-contained and isolated. We are 50 very interconnected, very interdependent States which share commerce, trade, and tourism. Our surface transportation policy could not survive if we did not recognize this interdependence in this legislation.

This bill does not leave one area of the country underfunded. To the contrary, it is a good, fair, generous and appropriate bill. It reflects a balanced recognition that each State has unique problems, and that our national highways must be maintained and supported. This bill isn't perfect. I've never seen one that was. It is very sound, and I urge my colleagues to support it.

I do want to thank Senator MOYNIHAN for his wisdom and his continual dedication to the improvement of this Nation's infrastructure. On his staff, I specifically thank Roy Kienitz, Rob Connor and Andrew Samet for their long hours and assistance to me and to my staff. I thank Senator SYMMS for his dogged determination and commonsense and urging others to rise above parochial interests and pursue a balanced national transportation policy. His staff members, Taylor, Bowlden, Angela Plott, and Trent Clark also have my deep appreciation. Senators BURDICK and CHAFEE have diligently watched over the process and have been such a great help to us all. I thank Mike Weiss and David Strauss of Senator BURDICK'S staff, and Jean Lauver and Steve Shimberg with Senator CHAFEE. A very capable bunch. And to my fine "staffer" Laurie Goodman who really earned her spurs on this one. She did splendid work for me. To her and to all * * * a job well done.

Mr. LIEBERMAN. Mr. President, as we come—at last—to the vote on final passage of S. 1204, the Surface Transportation Efficiency Act, I want to focus again on why I believe this bill will be so constructive for America's future.

Before I do so, let me extend my thanks to the staff of the Environment and Public Works Committee and the personal staff of the floor managers who have done an outstanding job throughout this process. In particular, I would like to thank: Roy Kienitz, Andrew Samet, Rob Connor, Mike Weiss, Jean Lauver, George Shaner, Nadine Hamilton, and Taylor Bowlden. Their efforts have been truly monumental and represent the best in public service.

Let me now turn to the legislation.

First, S. 1204 places a strong new emphasis on maintaining the highway system we have now built. According to a recent Office of Technology Assessment study, one-third of the Nation's noninterstate highways are in deteriorated or deteriorating condition. Approximately half of our bridges are structurally deficient or functionally obsolete. The bill addresses these

problems directly by creating a funding incentive for maintenance over new construction to assure that our maintenance priorities are addressed. In doing so, it reverses the existing procedure. The bill assures that our huge investment in the Interstate System will be protected by a separate interstate maintenance and rehabilitation program funded at more than $14 billion over the next 5 years. And there is a major new bridge rehabilitation program with substantial additional funding totaling over $13 billion over the next 5 years.

Second, S. 1204 allows the States substantial flexibility in tackling their own transportation problems as they see them. The current highway laws limit this flexibility; the new bill opens up new options for the States. Over half of the funds in this bill—over $45 billion—will be available to the States in a new surface transportation flexible funding program. States will be able to set their own priorities here, whether it is building new roads, funding mass transit programs or constructing high occupancy vehicle lanes.

Third, S. 1204 provides for much closer coordination between our efforts to tackle clean air and conserve our energy and our efforts to move our people. Unfortunately, these programs in past decades have often been working at cross purposes. This bill requires that transportation and clean air planning come together. And it creates a new congestion mitigation and air quality improvement program that will provide $5 billion in funding for transportation solutions to these problems. My State has severe air pollution problems and this new program will be of substantial assistance to us. The bill also creates a new transportation enhancement program that will enable us to use our road programs to promote scenic highways and historic preservation.

Fourth, S. 1204 unifies the Federal and local matching shares for all but one of the components of the highway program. The Federal Government will pay 80 percent of the cost of transportation programs and the States will pay 20 percent. In the past, the matches varied greatly, skewing State transportation priorities based on the match the States had to put up. This new approach will allow States to set their own priorities based on need.

Fifth, S. 1204 will put people to work building and maintaining bridges and roads and constructing mass transit systems and equipment. And, once those roads and bridges and systems are built or improved, it will put more people to work in the businesses that will always grow when infrastructure is improved. S. 1204 is one of the most effective things this Congress can do to help America out of recession and onto the higher road of long-term economic growth.

Overall, this is a remarkable bill. It takes major new steps toward making our highway network more user friendly. It attempts to assure that the huge Federal investment in our highways is protected by placing a new emphasis on maintenance and rehabilitation. It provides new initiatives for urban congestion relief. It promotes greater compatibility between our transportation system and environmental needs. And it will create hundreds of thousands of jobs.

I am also pleased to say that this bill is helpful to Connecticut in its efforts to continue to improve its transportation system. The following chart indicates Connecticut's share of the program under the proposed administration bill, under S. 965 and S. 1204, as well as our State's apportionments during the past 5 years.

CONNECTICUT'S SHARE OF HIGHWAY APPORTIONMENTS UNDER S. 610 (THE ADMINISTRATION BILL), S. 965 (THE MOYNIHAN-SYMMS BILL AS INTRODUCED), AND S. 1204 (THE MOYNIHAN-SYMMS BILL AS REPORTED BY COMMITTEE AS AMENDED AT SEC. 106(b))

[In millions of dollars unless noted]

	Fiscal year—					Total (billions)
	1992	1993	1994	1995	1996	
S. 610, the administration bill	214.8	210.7	16.0	230.9	213.4	1.08
S. 965 (the Moynihan-Symms bill as introduced)	294.6	297.5	312.0	336.7	332.0	1.57
S. 1204 (the Moynihan-Symms bill as amended at sec. 106(b) and reported by committee)	322.6	325.6	341.7	368.0	353.7	.....
Plus additional funds from Byrd amendment	0	4.0	9.8	11.8	16.2	.....
Total	322.6	329.6	351.5	379.8	369.9	1.75
From fiscal year 1987–91 under the previous highway legislation[1]	273.2	281.3	265.0	321.8	345.5	1.48

[1] FHWA, "Highway Statistics" issued in years 1986–89, from tables FA–4; 1991 data from FHWA, "Table T–1991" provided to the Environment and Public Works Committee. Note: tables do not include one-time only discretionary awards to state to meet special needs.

Source of data: Federal Highway Administration data provided to the Environment and Public Committee unless otherwise noted.

S. 1204 is good for Connecticut and every other State. I urge my colleagues to support it.

Mr. DODD. Mr. President, I rise in support of S. 1204, the Surface Transportation Efficiency Act and thank my colleagues Senators BURDICK, CHAFEE, MOYNIHAN, SYMMS, CRANSTON, D'AMATO, and BYRD for their tireless efforts in bringing the highway and transit portions together in such a way that provides for greater flexibility and increased funding.

Mr. President, at the beginning of this process Congress was faced with a unique opportunity to fashion and shape transportation policy so that it assists this Nation in achieving the very important goals of mobility, congestion management, facilitation of economic growth, energy conservation, and environmental protection. I believe that we have made the first step in accomplishing that goal.

Mr. President, while I am still concerned that the bill may encourage the view that the most important Federal interest is the Interstate System and that there appears to be a shift of authority and control over the transportation programs from State transportation agencies to metropolitan planning organizations, these concerns are not fatal.

It is my hope, however, that we all understand that the National Highway System extends beyond the interstate network. There are bridges and roads that are not considered a part of the National Highway System, in mine and other States, that are crumbling and in desperate need of repair, yet, may be ignored.

These sections of our system of roads also need attention if we are to maintain and promote economic efficiency, increase productivity and be competitive in the global economy. Based on these factors alone Mr. President, it is clear to me that we need a Federal aid system which goes beyond the traditional notion of the Interstate System.

Laying aside these concerns, I support this bill because it makes a significant first step in a number of key areas and addresses many of the concerns that I have expressed over the years.

First, it increases the level of funding for transportation to $118 billion. This represents a 13-percent increase in funding over President Bush's highway proposal.

This means more than $323 million a year will flow into Connecticut under the highway program and more than $27 million a year for transit. At a time when cities like Bridgeport, New Haven, and Hartford are struggling to secure financing to continue providing the most basic services, this new funding will provide a welcome shot in the arm.

Second, we have taken a significant first step toward ensuring that our crumbling roads and bridges as well as our rail systems are maintained. S. 1204 as drafted combines increased flexibility and funding in such a way that assists in the accomplishment of vital transportation goals.

Third, the bill takes a significant step toward meeting the new demands and challenges of the recently passed Clean Air and Americans With Disabilities Acts.

Fourth, transferability between highway and transit modes, equalization of the Federal match requirements and funding flexibility are important elements of a sensible transportation policy that promotes Connecticut's, indeed, the Nation's, environmental and energy conservation goals. S. 1204 provides for all three which in my opinion allows Connecticut a large degree of discretion and flexibility in determin-

ing where and how to spend scarce Federal dollars in a manner which will promote our clean air, congestion management, and energy conservation goals.

Fifth, the transit portion of S. 1204 creates formula programs which, in turn, create predictable streams of financing for projects. This enables States and localities to better plan, implement, manage, and operate transit projects. For Connecticut this means adequate funding levels each year to carry on basic services. We will no longer have to compete against other States for scarce resources. This guaranteed a funding stream of at least $27 million a year for the next 5 years will assist the State to fund bus programs for the elderly and physically challenged and provide rail and other transit service for the citizens of Connecticut.

Mr. President, I would be remiss if I did not give you some sense of how important this bill is to Connecticut.

Mr. President, Connecticut is unique in that it is one of the few States that actually owns a part of the rail system running through it. More specifically Connecticut owns a section of the Northeast corridor which, as you know, carries everything from people to produce up and down the entire Eastern United States. The section of track that we own is old and very difficult to maintain and operate. S. 1204's new and improved Rail Modernization Program will be an invaluable tool in helping Connecticut maintain this section of track.

Finally, Mr. President I am pleased that we have chosen not to accept the administration's provisions restricting operating assistance for small systems. Recently in Bridgeport, CT, I held a hearing on the UMTA portion of S. 1204. When panelists were asked about the effect that the administration's changes in operating assistance would have on smaller urban areas, there was overwhelming agreement that for these systems, operating assistance may compose up to 80 percent of their budgets and that acceptance of those provisions, would, in time, force smaller jurisdictions to raise fares or cut services as their deficits mount.

Mr. President I was warned that the result would certainly be that the physically challenged, elderly and middle income persons would not have access to the most basic services. I am pleased that we did not let this happen.

And finally Mr. President, I am pleased that we could produce a bill that will truly assist us in accomplishing our energy and environmental conservation goals.

Mr. KOHL. Mr. President, as we move toward completion of this bill, let me make a couple of final observations about the bill, and about the first of the two Graham amendments in particular.

First, I want to commend the managers of the bill for bringing to the floor a bill that makes so many sensible changes in our Federal transportation policy—in flexibility, in transit, in planning. While I wish those sensible changes had been broadened to include a sensible revision in the way Federal funds are allocated to States, the managers of the bill have certainly given those of us from donor States a fair chance to be heard on this issue.

Second, I would also like to take a moment to complement the efforts of the Senator from Florida [Mr. GRAHAM]. No Senator has been more forceful and more vocal in this formula fight than Senator GRAHAM. As one who represents a donor State, I want to thank the Senator from Florida for all of his work on behalf of his State, my State, and all the donor States.

Mr. President, I support the first of the two Graham amendments. From a donor State's perspective, the Byrd amendment—while providing us with the possibility of additional funds over the life of this bill—offers us no assurances. Wisconsin is protected under the Byrd amendment only to the degree that appropriations for it are made available. While I have tremendous respect for the distinguished chairman of the Appropriations Committee, and believe that he will do all he can to fully fund this level of appropriations, there are simply too many competing demands before the Appropriations Committee for any of us to take that for granted.

Furthermore, Mr. President, the level of benefits to donor States under the Byrd amendment could change significantly from year to year. Many donor States now benefit under the level of effort portion of the Byrd amendment. But, if States race to increase their gas tax, that may not continue to be the case. Should we find ourselves in a situation where fewer donor States benefit under the level of effort provision, more donor States will have to be taken care of under the allocation portion of the Byrd amendment—meaning that each donor State would receive less money as a result.

Mr. President, I would love to go back to Wisconsin and assure people that the Byrd amendment will bring an additional $222 million to the State over the next 5 years. But I cannot say that in good faith because of all the variables involved.

The amendment being offered by the Senator from Florida attempts to give donor States a greater degree of assurance that the Byrd provision will be funded. It does not require that the Byrd amendment be fully funded. It simply ensures that there will be funds made available for the Byrd amendment. Given that the Byrd amendment benefits donor and donee States alike, I find the amendment extremely fair indeed.

Mr. President, several of my colleagues have indicated that if the amendment offered by the Senator from Florida is adopted, then there will be many more amendments offered on this bill. I can only say that I would welcome that event. From the perspective of a donor State, there is plenty of room for improvement on this bill.

I yield the floor.

Mr. SANFORD. Mr. President, I rise somewhat hesitantly to express my support for final passage of S. 1204, the Surface Transportation Efficiency Act of 1991. I hesitate because I believe the bill is not quite ready for passage, it is not complete as it does not include a fair and equitable formula, or at the very least language authorizing the use of 1990 census figures in distributing highway funds. The failure of the Senate to include a fair formula in this highway bill is regretable.

Before debate began, a number of other Senators and I from donor States formed a coalition whose purpose was to change the current highway funding formula to one which would reflect highway use and maintenance needs. Our coalition threw our support behind the Federal-aid surface transportation [FAST] bill and the funding formula contained in that bill. Using such factors as vehicle miles traveled, diesel fuel consumption, and lane miles, we would focus our formula on a State's needs in the Federal-Aid Highway Program. States within the Amercian Association of State Highway and Transportation Officials [AASHTO] devised the formula based upon formula factors that were recommended by AASHTO. These same factors were also recommended by the General Accounting Office in its report on highway funding in 1986.

Our coalition's initiative was not solely to bring back more money to our States, although that would indeed happen. Our main concern was to see that a formula that was fair and equitable in its distribution was adopted. Under the FAST formula my State of North Carolina would remain a donor State, but it would rise from receiving 73 cents on the dollar to receiving 95 cents on the dollar.

It became clear during the debate on the bill that the donee States did not want an equitable formula. The donee States currently receive more than their fair share of the highway trust fund and they recognize that any change of the status quo will prohibit them from benefiting from the tax paid in from other States. As the arguments rose from the opposing sides, we saw equity pitted against greed. States trying to get a fair share of their contribution ran counter to other States not willing to share their excess receipts.

Mr. President, I must say that I am disappointed in our inability to address properly the formula problem. The points I made during my statements on the floor regarding a fair formula were

undisputed by the chairman of the Transportation Subcommittee. Yet, the managers of the bill would not enter into good faith negotiations on a formula.

This bill does include new language establishing a level of effort bonus program for States which have a higher than the national average gas tax. The State's gas tax is balanced against the State's per capita income. For States like North Carolina, which has the fifth highest gas tax and a per capita income far below the national average, this level of effort bonus will provide us with an additional $400 million over the next 5 years. This is an idea that I have been supportive of since I came to the Senate and I was happy that I was able to vote on this issue. I am somewhat skeptical, however, as to whether the extra moneys authorized for this program will actually be appropriated. As the language was drafted, the donee States saw to it to include a hold harmless provision which essentially would not allow any funding to go into this new program until all of the current programs were funded. So, if there's any leftover highway money at the end of each fiscal year, the level of effort program will get its funding. I do not feel that that is a very responsible way to handle funding such a progressive new program.

Although I am disappointed that a new formula is not included in this legislation, I am pleased about the fact that an amendment I drafted authorizing the GAO to study the highway funding formula was agreed to. In 3 years, the GAO is to deliver to Congress their recommendations on a fair formula. This formula should form the basis of the 1996 highway reauthorization debate. I will see to it at that time that this formula debate is carried forward and that equity prevails.

I would like to urge my colleagues to consider very carefully the issues of fairness and equity that I and other members of the FAST coalition brought to the floor. As this bill moves to conference with the House, I will again be asking support for a fair and equitable formula. The vote on the Graham amendment on the FAST formula proved that there is considerable support for an equitable formula in the Senate. It is my intent to keep pushing for fairness until it is achieved.

Mr. GLENN. Mr. President, I rise today to support final passage of S. 1204, the Surface Transportation Efficiency Act of 1991.

Mr. President, I opposed the original version of this legislation as reported from committee. Without the modifying amendments adopted on the floor, I would have voted against it. During the past few weeks, I have attended numerous meetings and worked many hours to achieve equity for Ohio in the allocation of highway dollars. Without changes in the way Federal transportation funds are distributed, the States with the worst problems will continue to have the least money available to rectify those problems.

I strongly supported and voted for passage of Senator BYRD's amendment to distribute unspent money from the highway trust fund. This amendment will allow Ohio taxpayers for the first time to receive a dollar-for-dollar return on highway dollars sent to Washington. For too many years, Ohioans have carried the burden of paying high gas taxes, subsidizing new construction in other States, while transportation needs go unmet in our own State.

Mr. President, although Senator BYRD's amendment will provide equity for donor States by spending out money from the highway trust fund, the basic formulas underlying the apportionment of highway funds remain unchanged in the reauthorization bill. These outdated and unfair formulas resulted in Ohio receiving about 80 cents of each highway tax dollar for many years.

Mr. President, three decades ago, when the Federal Highway Program was initiated, it was necessary for our national commerce, transportation, and defense needs for certain wealthier States to contribute to interstate construction in larger, less populated States. For these reasons, formulas were established to support this construction, which was in the national interest. Now, however, the National Interstate System is some 98 percent completed; yet, the bill reported by the committee retains the same antiquated formulas. Unfortunately, the amendment to revise these formulas was not successful; however, I and my colleagues representing the donor States will continue to work toward this objective.

The Surface Transportation Efficiency Act is a far-reaching and forward looking measure. For the first time, greater flexibility and increased local input in the allocation of Federal transportation funds will be allowed. This flexibility will enable my State to direct these funds to mass transit and rail needs as well as other transportation projects. As a long time supporter of mass transit, I am pleased that Cleveland, Toledo, Columbus, and other cities in Ohio can now target Federal funds to their greatest transportation needs.

Mr. President, this legislation also contains provisions controlling the expansion of the use of longer and heavier combination vehicles. A very large number of Ohioans have contacted me to express their fears about sharing the highway with these vehicles, and I support the inclusion of the limitation in this bill.

Although I believe greater progress could have been made, I am satisfied that the bill as modified is a positive step. Therefore, I support the passage of S. 1204 and urge my colleagues to join me in voting for it.

Mr. KERREY. Mr. President, today I want to express my support for the Surface Transportation Efficiency Act of 1991. I also want to commend Senator MOYNIHAN, who has crafted an innovative solution to address our country's transportation infrastructure problems. His solution recognizes that the various regions of the country have differing needs and problems. Each State and qualifying metropolitan area will be granted a large degree of flexibility in the expenditure of its highway funds. As a former Governor, I appreciate the fact that each State's Governor will have a strong voice in setting the transportation priorities within his or her State. This approach frees us from fixed programs that do not have the flexibility to respond to changing needs.

This bill is of great value to all States because of the continuing importance of highways and byways to our Nation's economy and to everyday life. However, this legislation is at the same time more than just a highway bill, as it accommodates the diversity of transportation needs in a postinterstate construction era. Highways will continue to be an important part of such a system, particularly in Nebraska and other rural areas, but this bill also addresses mass transit, rail, magnetic levitation, and other innovative alternatives.

Listening to the debate this week, I have heard many Senators either criticize or praise the distribution formulas in this legislation. Every State would like to receive more. I know Nebraska would like to see more highway funds because our State has great needs. However, we also have to recognize that there is no perfect balance if at the same time we want to guarantee a national transportation infrastructure. Therefore, I want to commend the committee on its efforts to balance scarce resources.

I look forward to working with Senator EXON, Nebraska's Governor Nelson and others in the State to implement a transportation program that meets Nebraska's changing and growing needs.

RECYCLING ABANDONED MANUFACTURING FACILITIES

Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor this amendment offered by the committee on behalf of the junior Senator from Vermont. The amendment requires the Department of Transportation to conduct a 1-year study on the obstacles to and the plausibility of reusing abandoned manufacturing facilities and sites.

From steel mills in the Monongahela Valley and textile mills in New England and the Old South to machine shops along the Great Lakes and mining operations in the West, abandoned manufacturing facilities represent wasted resources and diminished com-

munities. But they could underpin regional economic rebirth.

In most instances, these facilities are linked already to the necessary transportation infrastructure. Reusing them will reduce industrial sprawl and the need for new, expensive infrastructure projects.

Mr. President, it so happens that Senator JEFFORDS and I are cochairman of the Northeast-Midwest Senate Coalition. The amendment we are offering dovetails with efforts the nonpartisan, nonprofit Northeast-Midwest Institute has undertaken to research and promote industrial reuse. The institute convened a conference on the subject just last Friday, June 14, in Chicago. It is an exciting project, with important ramifications for our older, Frost Belt States, but for the rest of the Nation, as well.

Charles Bartsch and Carol Andress, two senior policy analysts at the Northeast-Midwest Institute, have written two particularly cogent articles about the promises and problems of industrial reuse for the Northeast-Midwest Economic Review. I ask unanimous consent that the articles, "Recycling Buildings" and "Common Ground" be printed in the RECORD following my remarks.

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

RECYCLING BUILDINGS

(By Carol Andress, Charles Bartsch, and Lynn Bock)

In many of the nation's older cities, both large and small, countless aging industrial and manufacturing structures sit virtually abandoned. They offer vivid testimony to the many economic changes that have taken place in our technologies and world markets. The situation is particularly visible within the major "rust belt" manufacturing concentrations like Cleveland's and Chicago's industrial waterways, Pittsburgh's Monongahela Valley, New England's old textile centers and Ohio's factory towns—Akron, Lima and Youngstown—each with their closed steel mills, machine shops, refineries, chemical plants and factories.

In addition to their historical and architectural value, many of these buildings and complexes embody resources that could be recycled. These structures have the potential to house today's emerging technologies and manufacturing methods, restoring not only the building and its environment but also the jobs and vitality of the community that surrounds them.

This point is an important one, Communiites were built around these once thriving industrial sites because people's economic security depended on the jobs created by them; reusing them could provide an anchor for efforts to bring back economic vitality to these areas.

The reuse potential of older, outmoded industrial complexes, however, involves much more than simply the physical problems of historic preservation. The issues that influence the reuse of industrial buildings are very complex. In addition to the exceedingly difficult technical, physical and economic problems of retrofitting older buildings to house new processes, there are very serious environmental difficulties. Refineries, factories and other heavy industrial uses—especially those that began operating in the early part of the century—were not gentle on the land. In fact, these operations often resulted in toxic contamination of the surrounding air, water and land.

Addressing this decades-old contamination presents unique problems and uncertainties that further complicate restoration efforts. The extent of environmental contamination is often unknown, making it difficult to estimate the resources and time needed for cleanup. Additional costs and delays resulting from cleanup and regulatory procedures can significantly reduce the attractiveness of a site or structure. Undefined risks and potential liabilities associated with environmental contamination also make lenders unwilling to finance projects. Furthermore, contaminated sites often carry a negative public image that can be difficult to change, causing problems even after restoration when the property is sold or leased.

These obsolete and rusting hulks also send a not-too-subtle message of failure. Industrial and business developers see dereliction and despair. Local officials and civic leaders, often oblivious to the possibilities, see the challenges as too great, Better to bulldoze or, as is most often the case, forget these unused complexes and build elsewhere. This attitude supports industrial sprawl and leaves communities with visible images of economic and physical decay. It also encourages abandonment of important historic and physical resources and, most importantly, allows environmental contamination to continue unchecked.

The circumstances in influencing industrial site conversions and reuse have changed substantially—and often for the worse—in recent years. Because so little literature now exists that takes these changes into consideration, policymakers and practitioners have a great need for a solid research effort to reflect the new realities of industrial property reuse.

A number of areas require research and analysis:

The magnitude of the problem. The difficulties with reusing old industrial sites have already been defined in broad terms, but it needs to be determined how widespread they are, the costs they would entail and to what extent the economic development potential of older industrial facilities is impeded by those difficulties. This research would document the magnitude of the problems and the implications for the environmental and economic vitality of "rust belt" communities.

The most serious obstacles to reuse. Although each project will probably encounter its own unique problems, most rehabilitation efforts face many of the same difficulties. These might include:

Environmental dilemmas of workplace cleanup—including those which affect project financing and marketability;

Lack of clearly specified procedure for assessing risks and prescribing a definitive course of action for cleanup;

Lenthy, complicated and poorly coordinated processes for environmental review and cleanup certification;

Facility adaptation and siting obstacles that deter the introduction of new technologies or operations to old buildings.

Developers and financiers contend that these problems unnecessarily increase the amount of time and cost of a cleanup, and make reuse of older industrial sites less economically feasible. In addition, these problems have forced a growing number of jurisdictions to re-evaluate their role as economic development catalyst in older neighborhoods formerly dominated by manufacturing concerns. Real or suspected environmental problems—and their accompanying risks and liabilities—have made local leaders reluctant to proceed with many redevelopment projects.

Examples of successful industrial reuse projects. This research would analyze state and local initiatives that may have been tapped, how adaptive reuse of facilities was planned and carried out, how compliance with regulatory processes and reviews was achieved, how difficulties in the actual cleanup were overcome, the types of marketing strategies that best served the project, and other factors. These examples could serve as useful models for other jurisdictions.

The problems associated with industrial reuse are daunting, and solutions will be diverse and complex. These might include:

Devising a rational environmental review process with clearly defined steps and timetables that could win acceptance by government and the public—one which could help turn environmental risks and unknowns into certainties;

Adopting tax code or other incentives—especially those linked to the property rather than the owner—that would encourage cleanup of older, contaminated facilities and new investment in them;

Adopting initiatives to reduce lenders' risk or exposure;

Encouraging consistency in cleanup standards; and

Providing government agencies with the necessary resources to build capacity to carry out their mission in a responsible and timely manner and work constructively with private developers, the public and local government in their efforts to spark reuse of old industrial structures.

The federal government has an important role to play in addressing this issue, the Community Development Block Grant program could be part of its answer. The program is the best and most useful source of federal funding to encourage the renovation of older and historically significant structures. CDBG resources can be used to finance the rehabilitation of privately owned buildings and sites, covering specific costs related to labor, materials and construction or renovation. They also can pay for services such as counseling, preparation of work specifications, loan processing and inspections. Therefore, block grant funds are particularly well-suited to the "new generation" of industrial site reuse projects, which require a much stronger focus on environmental concerns. The wide range of eligible uses and the ability to use CDBG funds for grants, loans, loan guarantees and technical assistance makes the program a highly versatile way to stimulate private investments.

Clearly, using CDBG resources to spur the development of deteriorated, often contaminated sites would be appropriate. In addition to creating new economic opportunities for low- and moderate-income and economically disadvantaged persons, such a use would help eliminate blight by helping correct conditions detrimental to public health and safety.

In order to contribute to a better understanding of this complex issue, draw public attention to the problem, and develop broad-based support for its resolution, the Northeast-Midwest Institute plans to conduct research, hold a conference, and issue reports

and related materials to a wide audience. The project will explore potential solutions such as financial and tax incentives to stimulate private investment, programs to address cleanup issues, processes that turn environmental risks into certainties, and economic development strategies that incorporate existing physical assets to promote community revitalization.

The conference will bring together preservationists, state and local economic and industrial development officials, private-sector facilities and siting managers, financiers, real estate agents, developers and brokers, owners of obsolete or derelict facilities (corporations, lending institutions, governmental bodies), community development corporations, labor unions, planners, environmentalists, elected officials and other public policymakers.

A successful and well-publicized conference will go a long way toward gaining public attention and awareness of this issue. But more is needed. Consequently, the Institute envisions this project—the conference, the research that leads up to it, the publications and news media attention that comes out of it—as part of a longer range strategy to encourage policies and initiatives that deal constructively with environmental, financial, and preservation problems that inhibit industrial reuse.

COMMON GROUND

(By Charles Bartsch and Carol Andress)

Across the United States, cities and towns of all sizes are sprinkled—and sometimes deluged—with abandoned industrial sites, reminders of the changing nature of national and regional economies. Factories, mills and machine shops that once housed thriving operations lie underused or empty.

Returning these sites to productive use does more than create jobs and tax revenues; it produces social, environmental, and aesthetic benefits.

But despite the redevelopment potential of these sites and the desire to get on with the task, serious obstacles impede progress. Chief among these is environmental contamination of the land and buildings on these sites. Uncertainties about the costs of cleanup, liabilities and the means to identify and remove contamination, coupled with declining public-sector support for development programs, dissuade many developers from undertaking cleanup and renovation. Recent judicial rulings about the extent of liabilities further cloud the situation.

In many situations, though, public and private leaders can frame strategies to make sure that the benefits of reuse outweigh the problems. To further that process, the Northeast-Midwest Institute is convening a "New Life for Old Buildings" conference in Chicago.

The conference is designed to inform businesses and communities on how these difficulties can be overcome in an economically viable manner that brings long-term benefits to the community and the environment. In bringing together diverse vantage points on this issue, the Institute hopes to draw attention to the connections among economic development, environmental restoration and site preservation.

The actual number of underused or abandoned industrial complexes is difficult to tally. The problems that typically plague these facilities, such as structural deterioration and environmental contamination, are virtually impossible to quantify and compare. What is certain, however, is that communities that allow such properties to remain inactive lose the tax revenue and jobs generated by thriving operations and suffer from continued contamination.

Developers have converted industrial complexes from San Francisco to Boston to Akron into hotels, retail centers, museums and festival markets. In Jersey City, N.J., for example, developers saved the Dixon/Ticonderoga pencil factory, giving it new life as an apartment complex.

However, the economic future of site reuse cannot depend solely on residential or commercial adaptations; a "boutiquing" strategy is not the best base on which to revive a local economy. Ideally, some of today's emerging technologies and manufacturing enterprises could be accommodated in older facilities, bringing back jobs and providing the resources needed to restore the buildings and property.

Older facilities in inner cities can provide affordable space for new and small enterprises that cannot pay for space in newly constructed suburban business parks or high-rent commercial areas. Some old factory sites have been successfully revamped as small-business incubators. Large, often architecturally significant structures can become anchors for other redevelopment efforts.

For example, the New Jersey Economic Development Authority redeveloped a 106-acre tract in Elizabeth, site of Singer's largest sewing machine factory. After cleanup and improvements to the structures, the property was subdivided and sold. The site now houses nine new companies employing over 1,500 persons.

FACTORS INHIBITING REUSE

It is well known that factories, steel mills and other industrial facilities pollute the land, water and air; they have for decades. What is new is public awareness of the health and environmental risks and recognition that pollutants must be cleaned up.

The existence of serious contamination at many sites and a trend toward stricter environmental laws deters efforts to reuse old industrial sites. Under the Comprehensive Environmental Response, Compensation, and Liability Act—the Superfund law—enacted in 1980, present owners are responsible for the costs of cleanup even if they did not cause the pollution. Because of these liabilities, prospective purchasers usually require that the property be cleaned up before they buy or lease it. Unfortunately, cleanup is rarely easy or inexpensive, and it triggers a web of technical and legal tangles.

Cleanup adds to the costs of the redevelopment project—depending on the extent and type of contamination, sometimes millions of dollars. Cleanup also requires time, delaying project completion by months and even years.

Nevertheless, the contamination must be addressed. However, well-intentioned developers face a host of uncertainties that complicate clean-up efforts.

UNCERTAIN LIABILITIES

Uncertainty about environmental liabilities also affects a firm's ability to secure financing for a project. At issue is the extent to which lenders, as potential owners or operators of a facility, are liable for the costs of cleanup should they assume title through foreclosure.

Concerns about the impact of lender liabilities on real estate transactions and loans to small businesses have prompted recent congressional proposals to broaden the CERCLA exemptions for lenders. According to testimony in support of these proposals, liabilities are affecting both loans for purchase of potentially polluted property and investment in businesses that may occupy the site in the future. Companies that buy reclaimed factories are finding it nearly impossible to obtain financing if their only collateral is the property itself.

However, making the lender liable in some instances serves a valuable role in ensuring that contamination is identified and cleaned up and that borrowers stay clean. The lender's stick is quick and direct: If the property is not cleaned, no money is loaned. An exemption that is too broad may encourage bad lending practices and discourage private-sector cleanups. Clarification of liabilities, rather than exemption, may be sufficient to calm lenders' fears.

Testifying before Congress, Environmental Protection Agency officials have emphasized that the agency does not want "to discourage unduly the redevelopment of old industrial property." EPA recognizes that CERCLA liability needs to be "as certain and predictable as possible."

To that end, EPA has drafted guidance for lenders on the definition of "participation in management." It remains to be seen whether the guidance, currently undergoing review by the Office of Management and Budget, sufficiently balances lenders' concerns with the need to ensure adequate cleanup.

UNCERTAIN PROCESS

There is considerable confusion among public and private leaders over the process for identifying and cleaning up contamination. In fact, the process gets more complicated every year as environmental laws are amended, regulations are modified, and courts reinterpret their applications. As one leading economic development official recently noted, most projects formerly did not involve lawyers until settlement; now the lawyer is often the first person on site.

Investors, public-sector development officials and project developers also are nervous about the lack of guidance on how to protect themselves from liabilities. Prospective owners may protect themselves under the "innocent landowner defense" added to CERCLA by Congress in 1986. To demonstrate their innocence, a property owner (or in the case of a lender, a potential property owner) must conduct "all appropriate inquiry" prior to acquiring the property. To date, however, neither EPA nor the courts has established guidelines that define "all appropriate inquiry." Instead, EPA has stated it will determine what is appropriate on a case-by-case basis.

Developers also fear that even when they clean a property to today's standards, they have no assurance it is enough; what is considered clean today may not be tomorrow. During the last 10 years, environmental laws have been enacted and amended and standards imposed, only to be changed in light of new pollution detection technologies and health concerns.

Such uncertainties affect cost projections for a site. New requirements could force developers to revise their cleanup plans midstream in the project. New detection systems could lead to discovery of previously unknown contamination that developers, as current owners, would be required to clean up.

Underused or abandoned industrial facilities are a national concern. They can be

found everywhere—in the nation's "rust-belt," southern textile and manufacturing centers, and mining centers in the West. They are evidence of significant changes in technology and world markets.

Writing in "Urban Land," real estate investor Robert Sheridan writes that "old factories offer significant investment opportunities" and that "reuse of the best from the past" can be economically worthwhile. But if industrial site reuse is to succeed in achieving its full potential as an economic recovery and growth initiative, then a national strategy for reuse must be framed that addresses investor and developer concerns in a way that is environmentally responsible.

No community benefits when entangled liabilities for a site actually allow contamination to worsen by preventing cleanup and reuse. No business or worker benefits when lender fears thwart investment in facility modernization or cleanup. No local, state or regional economy gains when sites remain dormant, existing infrastructure goes unused and nearby neighborhoods suffer from ongoing distress.

The increasing interplay between the economic and environmental arenas is emerging as one of the most prominent development issues of the 1990s. The obstacles to revitalizing old industrial facilities are formidable, but not insurmountable. The benefits can be considerable.

Mr. JEFFORDS. Mr. President, I rise at the present time to make one important point about my support for S. 1204, and to ask Senator MOYNIHAN whether he would be willing to respond to a question about the intent of this legislation.

Mr. President, as this body well knows, the Nation presently faces a challenge of great magnitude, a challenge that must be met in order to preserve for future generations the tangible evidence of the greatest conflict ever waged on American soil and arguably the most important, most defining event in American history—the Civil War. At the present time the sites where some of the great battles of this war were fought are virtually disappearing under housing developments, industrial parks, office complexes, and highways. For example, just 30 minutes from this Capitol, the site where the Battle of Chantilly was waged in late summer, 1862, and where two heroic Union generals, Philip Kearny and Isaac Stevens, fell, today lies buried beneath row upon row of townhouses. Similar fates have met the sites of the battles of Selma in Alabama, Peachtree Creek in Georgia, Franklin in Tennessee, Rich Mountain in West Virginia, and many others.

Perhaps more importantly, even a greater number of battlefields are today endangered by development. For example, on rolling land not 2 hours southwest of this Capitol, the site of the most significant cavalry battle of the war, at Brandy Station, now lies threatened by planned development in the form of housing and an industrial park. This is so, despite the fact that this battlefield has been designated as eligible for listing on the National Register of Historic Sites. The sites of several battles in the lower Shenandoah Valley face a similar threat, as do many others.

In recognition of the threat facing these important sites, the Congress last year created the Civil War Sites Advisory Commission and charged it with the responsibility of identifying threatened Civil War sites and assisting in developing a national policy to save these endangered places for the benefit of future generations. The members of the panel have recently been appointed and are ready to begin their work.

Nevertheless, the march of development continues, in many cases with the aid of highway funds allocated to the States by the Federal Government. In these cases, funds provided through the Federal Highway Assistance Act—to build new roads into undeveloped areas, and to widen those extant to carry additional traffic—encourages this development and in many cases makes it possible. So, the truth is, on one hand the Nation has recognized that these historic sites must be preserved, while on the other it has encouraged their demise through the Federal Highway Assistance Act. This conflict must end.

To this end, it is my belief and understanding that the metropolitan and statewide planning processes required under S. 1204 include, as a core element, consideration of the impact of any potential or proposed highway projects on the Civil War battlefield sites that are listed or eligible for listing on the National Register of Historic Places.

By this I mean more than the cases where a highway is actually planned to run across such a battlefield—in such instances section 4(f) of the act already provides that that highway may not be built unless there is no feasible or prudent alternative to doing so. Instead, I refer to cases where the highway project may or may not be located on the battlefield site, but may be expected to encourage, increase, or accelerate development on that site, and where that development is of such a nature or magnitude that it may cause a significant loss or destruction of the historic qualities of that site. It is these sites that need and deserve protection from the effects of highway development, and it is these sites that should not be destroyed with the assistance of Federal highway funds.

Based on these concerns, I would like to ask the distinguished floor manager the following questions: Is it correct that the intent of this bill is to foster coordinated, comprehensive metropolitan and statewide planning processes, and such plans, as developed, should expressly include consideration of the overall social, economic and environmental effects of transportation decisions?

Mr. MOYNIHAN. Yes. Deliberate, comprehensive planning is to be an important part of transportation policies.

Mr. JEFFORDS. If such effects include, for example, the potential to encourage, increase, or accelerate development on nearby Civil War battlefields, should the planning process consider alternatives which would minimize adverse development effects similar to environmental reviews under the National Environmental Policy Act [NEPA]?

Mr. MOYNIHAN. The State planning process should reveal all aspects of specific transportation initiatives so that all parties have a full understanding of the implications of their choices.

Mr. JEFFORDS. It is the Senator's feeling that the Secretary shall consider the sufficiency of such planning in determining whether States and local governments are in compliance with the act?

Mr. MOYNIHAN. The Secretary of Transportation is indeed required to assure that each metropolitan planning organization is carrying out its responsibilities under the act.

Mr. JEFFORDS. I thank the distinguished floor manager.

Mr. BIDEN. When the 102d Congress convened in January, extending and rewriting Federal highway programs was high on the legislative agenda. With today's passage of the bill, the Senate keeps with the wishes of many States that highway legislation not become bogged down, as has happened in years past, at a tremendous cost of transportation planning.

The public knows the highway bill for the funding it provides for construction and maintenance of the massive interstate road system. But under the leadership of Senator MOYNIHAN, the Senate really never considered what could strictly be called a highway bill. Instead, the focus, rightly in my view, shifted from highway pavement to the people driving on it. Much more attention will be paid to improving the means by which our Nation moves about, not just on longer trips that take us onto the Interstate System, but also on our daily trips on primary and secondary highways.

The shift in focus was evident from the start. In 1987, the highway bill was termed the Surface Transportation Act. The title of the bill before the Senate this year adds one word—efficiency—but that one addition represents the transition that the Senate is supporting through this bill.

For decades, effective highway transportation meant building enough lanes to stay ahead of the numbers of cars that wanted to clog them. But we have passed the point of diminishing returns on that approach. In parts of Delaware, other Northeast States, and even portions of the West, we have reached the limit of benefits that highway lane additions can provide. New concrete is in-

creasingly difficult to find room for, is increasingly expensive, and has too often proven to have a short lifespan of effectiveness.

We have found that commuters abhor a vacuum on the highway, and they will rush to fill them when they appear. Construction of ever wider highways too often means only broader and more impressive traffic jams, not relief from them.

As the details of this bill make clear, we must find ways to move our citizens more efficiently, and that demands flexibility. There is no single answer to traffic and transportation problems; solutions that work for one area of Delaware will not work in other parts of the State. Variance in solutions among the States is even greater. No Federal legislation could hope to establish a fixed formula that would work for all.

The bill before us attempts to balance those conflicting interests, and a dozen others. Tremendous discretion is granted to each of the States, yet limits are included so our national system of interconnected highways remains intact and effective. Highway expansion can be funded in those areas where it is truly needed, but incentives for States to make more effective use of existing resources are included. One fundamental purpose of the bill is to make car travel—the largest single source of air pollution in the country—more comfortable, but it also has strong provisions that reflect requirements of the Clean Air Act amendments passed last year.

As we moved toward debate on this bill, the defining event, signaling the need for a break from past policies, is the impending completion of the 44,000-mile Interstate Highway System. While that event could be viewed simply as a turning point from construction to maintenance, it also parallels a development on the local level I described earlier—the recognition that new lanes have to be viewed as a declining solution to traffic problems.

The difficulty of reorienting a program as massive as the highway program proved to be of secondary difficulty to allocating the funds to put the new approach to work. It was this fight that threatened to turn our National Highway System into 50 highway systems that simply abut each other. Flexibility is important, but it cannot make up for the overall shortage of funds that States feel they are victims of. Indeed, every State is truly short of highway funds. However, retreat to a balkanized funding system is not the way to assure a strong National Highway System.

We in Delaware are well aware of the costs of a good transportation system. Last year, one of the most discussed issues in my State was the need to construct a new bridge over the Chesapeake and Delaware Canal near the town of St. Georges. This bridge is the main connector for north-south traffic in the State and the Delmarva Peninsula. Replacing the St. Georges Bridge is estimated to cost $115 million.

This was Delaware's advance example of the cost of a good, reliable transportation system. The $115 million of the St. Georges Bridge represents 2 years of total Federal highway funding for Delaware. But as large as this single cost is, the issue cannot be ignored. The cost of inaction is much higher.

Because of certain long-held responsibilities of the Federal Government, Delawareans will not be faced with the choice of economic strangulation of the southern portion of the State or a huge financial burden to build a new bridge. But in many less obvious ways, that choice is one faced by Delaware and every other State each year. Transportation planners must either seek expanded funds to invest in improved transportation conditions or certain sectors of the economy will suffer delays and deteriorating conditions. Too often, there is not enough to fend off economic harm.

Our Nation's transportation needs are astounding. Highway system requirements are measured not in billions or tens of billions of dollars, but nearly half a trillion dollars in maintenance expenses over the next decade and a half.

This bill calls for over $110 billion in highway spending during the next 5 years. The figure is huge, but it is only one-third of what Federal officials estimate is needed during that time. But as Delaware recognized with the St. Georges Bridge, inaction is no solution.

For the result of inaction is immobility. As an example, Americans spend over 2 billion hours stuck in traffic every year. To put that total in more practical terms, it is wasted time for salesmen, truckers, repairmen, delivery vehicles, and hundreds of other types of workers across the Nation. Those delays cost our Nation over $35 billion annually in lost productivity.

So when talk turns to the monstrous size of the 1991 Surface Transportation Efficiency Act—and the numbers truly are imposing—it must be kept in mind that no one believes they approach what our Nation needs. This bill increases the flexibility of how transportation funds can be spent, but that flexibility cannot fill the chasm between resources and demands.

Reconciling the conflict between costs and benefits of transportation programs may well prove to be the next big hurdle to clear in maintaining our transportation infrastructure system. The public is conscious of the role of good transportation in everyday life, yet appears unable to connect that to the broader perspective of the cost of the program and the inescapable need to maintain a good transportation system. That is why many may be stunned by the size of this program, yet frustrated by traffic tieups, potholed roads, and detours.

I commend the Senator from New York for his leadership in reforming Federal highway and transportation programs to reflect changing conditions and the lessons we have learned from earlier programs. I hope we can continue the pace of action on this important bill so Delaware, like every other State, can start to plan with confidence its future efforts to fix traffic problems.

Mr. MCCONNELL. Mr. President, when I spoke on the highway bill last Wednesday, I indicated my reluctance to support a bill that was inherently unfair to donor States like Kentucky. However, with the adoption of the Byrd-Mitchell-Bentsen compromise amendment, which I strongly supported, this legislation now provides my State with additional highway funding.

With the new funding allocations and the changes that have been made in the bill over the last couple of days, I believe that I can now support this bill. It is estimated that Kentucky, over the life of this legislation, will be able to receive an additional $147 million and by 1996 will be getting back $1 for every dollar contributed to the trust fund because of the bonus apportionment.

However, I would like to make it clear that I am very concerned that we still have the same flawed allocation formulas. The Byrd-Mitchell-Bentsen compromise simply gives donor States a bonus which will raise funding to a more equitable level. For this reason, I voted yesterday for Senator GRAHAM's FAST amendment which would have changed the funding formulas in the Moynihan bill. Although this amendment was defeated by a vote of 57 to 41, I believe this sends a strong message to the House of Representatives that a number of States are concerned about the old formulas.

In closing, I will vote for this bill warts and all. While the basic problem for donor States still exists, I am pleased that Kentucky will be receiving a more reasonable return on its tax dollars. It is my hope that, when the Senate goes into conference with the House, changes will be made to make the highway bill even stronger for our entire country. I will closely monitor the highway bill as it moves through Congress and will reserve the right to reconsider my position if the final product is not a balanced bill for Kentucky and the Nation.

Mr. MACK. Mr. President, this fight is over fair share. During this week and the last, the Senate has been working on a nearly $120 billion transportation package. We will reauthorize our surface transportation programs for another 5 years and embark on the beginning of the postinterstate era.

Yet while we start a new chapter in American transportation, we are not

completely leaving the past. We will be allocating the majority of this nearly $120 billion through outdated means. Formulas that were partially written before the construction of our Interstate System will allocate billions over the next five years. Formulas that many of my colleagues here agree, do not fairly apportion funds from the highway trust fund. This is why I must cast my vote in opposition to final passage of the Surface Transportation Efficiency Act of 1991.

Florida is one of the leading donor States. Between 1986 and 1990, Florida contributed $788 million more than it received from the highway trust fund. $788 Million! According to the Florida Department of Transportation, our average return on each dollar contributed fell to an all-time low in 1990 of 53 cents. Florida's average return since the inception of the highway trust fund in 1956 is 80 cents per dollar contributed. Floridians had been hoping the highway roberry of the last 35 years would be corrected during this reauthorization.

The Senate has failed in this respect. We had an opportunity to create a new funding formula. An equitable formula. A fair formula for all 50 States. Yet we are taking the easy way out by not addressing the issue of a new formula.

Instead, we will allocate funds by taking the average return to each State from 1987 through 1991 and use it as a base for distributing funds for 1992 through 1996. According to the Senate Environment and Public Works Committee, Florida has the lowest average return for the 5-year period used as a base in the committee's bill. Florida's return ranks 50th, at 77 cents per dollar contributed.

We will be legislating the status quo, perpetuating our outdated allocation formulas for another five years. By doing this, we guarantee to be revisiting this issue once again in 1996.

The fight is over Florida's fair share. It is wrong to expect Florida taxpayers to foot the bill for highway needs of other States when we have our priorities. Thousands of people are moving to Florida every week to live in our sunshine and admire our State's natural beauty. Yet, the Federal bureaucracy refuses to understand that we need to improve our highways to keep pace with our tremendous growth.

The Byrd amendment does not correct the current situation. While it may placate some of the donor States, it will not solve the current problems in the formula system. The Byrd amendment, as in the Moynihan bill, only delays the Senate from tackling the donor State issue. The Byrd amendment only bribes us with our own money, using gas tax dollars as leverage for adoption of the amendment.

In summary, the Byrd level of effort amendment: First, fails to recognize the total level of effort being expended in each State; and second, fails to recognize the increasingly complex State transportation financing mechanisms now in place.

The minimum allocation compromise which has been added to the Byrd amendment does not address the formula question at all. Simply adding $4.1 billion to minimum allocation States does not solve the fundamental problem at hand. I am skeptical of this paper promise to Florida and other States. No one can guarantee that most of the money authorized for fiscal years 1995 and 1996 will be available.

The Byrd amendment guarantees we will once again be at this problem, with the same battle lines drawn, at the next reauthorization of our transportation programs.

The best acknowledgement of the failure of the present system is the need for the minimum allocation system. Over $1 billion is distributed annually under the 85 percent minimum allocation system to make up for the current failure in our distribution formula. Minimum allocation could be abolished entirely if a fairer formula was adopted.

We had the opportunity to vote on a new and more equitable funding formula. The FAST [Federal-aid surface transportation] proposal, as every member of the Senate knows, will provide for a more equitable return for all States based on modern factors such as lane miles, vehicle miles traveled, and diesel fuel use. By eliminating the use of rural postal miles and intercity mail route mileage in the current highway formula, we can legislate a fair formula, equitable to all fifty States.

Forty-one Senators voted for FAST last night. Forty-one Senators, through their vote, said they wanted a fairer formula to distribute highway funds.

FAST would have provided a new formula to distribute funds on a more equitable basis, using the extensiveness of our highways (lane miles), the intensity of use of our highways (vehicle miles traveled), and commercial truck travel (diesel consumption) as the primary formula for the distribution of highway funds.

The Moynihan bill, through its 5-year average return for each State from the highway trust fund from 1987 to 1991, does not address the need to create a new and more equitable formula. FAST created this needed formula.

Once FAST had been defeated, I offered an amendment to S. 1204 to authorize the use of the most recent census data when distributing base apportionments of the Surface Transportation Efficiency Act.

Under S. 1204, each State's base apportionments in accordance with the Surface Transportation Program would be equal to the State's average return from 1987–1991. But due to a quirk in the law, we would essentially be distributing funds to States through fiscal year 1996 based on those States' population in 1980.

According to the Federal Highway Administration, 15 percent of current highway formulas are based on population figures. These population figures are from the decennial census only, and are only updated every 10 years. Using population estimates prepared every 2 years by the Census Bureau, we can be more accurate in allocating highway funds than by only using decennial census data.

My amendment simply would have ordered the Secretary of Transportation to use the 1988 estimates and 1990 census to determine the population of States for the base years 1987–91 and use that information when distributing base apportionments.

The amendment did not change the proposed distribution formula. It merely allocated funding to the States to take into account demographic changes which are already estimated by the Census Bureau every 2 years. Approximately $80 million would be affected under my amendment, a very small amount when compared to the nearly $120 billion authorized in the bill.

My amendment to S. 1204 was one of fairness. Thirty-four Senators joined me in favor of the amendment, but 63 voted to prevent current census data from being used to distribute funds under the Moynihan bill.

Mr. President, the Senate has failed here tonight. We could have corrected the inequities of the present system. The Senate chose not to act. I can only hope the House will not run from this responsibility and will act to change our outdated highway funding formulas. If the House does not act, I will urge the President to veto the transportation bill when it reaches his desk.

Mr. SEYMOUR. Mr. President, it has been almost two full weeks since the majority leader brought S. 1204, the Surface Transportation Efficiency Act, to the floor. I rise today to lend some of my observations to this debate, and to discuss my views from a California perspective.

But first, Mr. President, I want to recognize the managers of the bill, Senators MOYNIHAN and SYMMS, and Senators BURDICK and CHAFEE, the distinguished chairman and ranking member of the Environment and Public Works Committee, for their hard work and dedication to our Nation's transportation infrastructure. Having observed the proceedings on this Floor over the past several days, I permit myself to say that they and the Senate leadership have been faced with the herculean task of sheparding this bill through the Senate, and they are owed great credit for their perserverance and effort to balance our Nation's transportation needs.

The bill before us addresses a broad range of issues vital to the health of

our Nation's transportation and economic infrastructure, and integrates a much-needed flexibility to the process.

Mr. President, anyone who has observed this debate has witnessed the emergence of a common theme: our Nation's transportation policy stands at a crossroads.

The work this Nation set out to accomplish when President Eisenhower called for the creation of an interstate highway system is largely completed. This program, the genesis of our modern transportation system, stretches across our Nation's landscape uniting a vast network of roads and bridges, linking our States and communities, our international borders and ports of entry, and our centers of commerce.

With this task—this first phase—completed, we now undertake the next phase in the process: making the current system work to its maximum potential. Let's start moving people, but not just across State lines or over vast distances. Rather, we must focus our attention and priorities to the growing needs of congested communities, and put the choice of how we are going to address these problems back into the hands of the local decisionmakers, the States and local governments.

I know that every member in this Chamber has had the opportunity at least once in his or her Senate career to visit California. Our gridlock is legend, and I am sure many members have had the opportunity to experience it firsthand. We see it daily right here in the Nation's Capital. In California, our work force spends a growing portion of their day in traffic, hindering productivity and contributing to decreasing air quality. During peak hours, some 6,000 miles of California's main roads are at a virtual standstill. And this situation is repeated in numerous States. No major urban center is immune from gridlock and its associated consequences.

The time is ripe for a new focus in our transportation policy, and the bill before us takes America down that road. I applaud the very substantive effort that has been made here to produce a bill that will help us put a dent in gridlock, and get the tools to move people into the hands of the people that can make the best decisions. The flexibility S. 1204 provides to the States and local planners will be instrumental to helping California address its growing transportation needs.

However, Mr. President, the new focus contemplated in this bill falls short of providing new and sensitive direction in the distribution of transportation dollars. Instead, the bill relies on an underlying formula which was implemented for the purposes of constructing the interstate system.

I am disappointed this bill to change California's role as a donor State. As a nation-State of 30 million residents and growing—we grew by some 26 percent during the 1980's—California can ill-afford a funding formula that will allow current allocation policies to continue.

Absent the Byrd language, S. 2104 makes no progress in this area. That is why I voted for the Byrd-Mitchell-Bentsen compromise. It promises to California—should it be fully funded—up to $959 million over the lifetime of this bill. California sorely needs this funding assistance, and I am sure of Senator BYRD'S commitment to seeing that this aspect of the bill receives full funding during the appropriations process.

I and other Senators representing the donor States would have preferred a wholesale departure from the committee's funding formulas. In my view, any serious attempt to take the country into the postinterstate phase must implement a postinterstate funding formula. If we are serious about changing the face of transportation policy, we must close the gap between donor States and recipient States and move toward a more equitable allocation of funding.

I share the very deep concerns our esteemed colleagues Senator BENTSEN, WARNER, GRAHAM, and BOND and others have expressed during the past few days. As a donor State, California has contributed some $5.2 billion more into the trust fund than we have received back. In the period from 1988 to 89, we contributed more than $400 million to recipient States.

In short, Californians are seeing one-way traffic in funding, and that traffic is leaving our State.

Mr. President, California recognizes its National responsibility. As a large State, we are prepared to lend a helping hand to the smaller, less populous States. Every donor State would prefer a dollar-for-dollar return, but this is an unrealistic expectation. We do not contest this fact. But the time has come to give us back a larger portion of our contributions so that we and the other donor States can indeed move into the postinterstate era and take care of our infrastructure problems back home.

We only ask for our fair share. Given Chairman BYRD'S leadership, I anticipate additional funds that California and the donor States so desperately need will be forthcoming in the outyears.

It makes no sense that those States where the growth rates are highest and congestion is the worst must continue to be held hostage to such a large imbalance in funding.

Quite simply, Mr. President, the donor States have sounded out the message that the status quo is no longer acceptable. The fact that the Graham amendment secured 41 votes is ample evidence of this. Our needs are too great. And these needs will go wanting if we cannot expect a more fair and equitable funding formula.

We have made progress during this debate, and it can be said that the Senate has worked its will. But I sincerely hope our colleagues in the House will employ a more equitable formula so that a final conference agreement will indeed build upon the progress made by the donor States during this debate.

A NEW ROAD IN TRANSPORTATION POLICY

Mr. LAUTENBERG. Mr. President, I rise in strong support of the passage of the Surface Transportation Efficiency Act of 1991.

In doing so, I want to again commend the leadership of my good friend from New York, Senator MOYNIHAN. By shepherding this bill through the committee and now through consideration by the full Senate, he has accomplished a monumental task. It has been with the leadership and assistance of our distinguished committee chairman, Senator BURDICK, that this has been possible. I also want to give credit to the Republican manager, Senator SYMMS for his efforts, and to Senator CHAFEE, the committee's ranking minority member.

This is legislation that we can all be proud of. It is no mere extension of the same old highway bills that this Nation has seen for the last 35 years. It is innovative. It is creative. And, it is responsive to the diverse needs of every region of this country.

As I said when we took up consideraton of the legislation 2 weeks ago, the cornerstone of the bill is its flexibility. That flexibility is essential if we are going to give States the tools they need to address their transportation needs, and meet national goals. I say that because, if there is one thing that is becoming more and more evident over the course of developing the concepts behind this legislation, its that local actions and national goals are inextricably linked.

Providing better mass transit in New Jersey is not just for the benefit of Newark, Trenton, Camden, or the Hudson waterfront. It helps improve the productivity of a vast work force. It helps our State, and our region, work toward compliance with clean air goals. Those are national goals and, the Nation benefits when we achieve them. But we must achieve them on the local level.

NATIONAL HIGHWAY SYSTEM

One change made to this bill during floor consideration is the addition of a set-aside of funding for a national highway system. I had some concerns about this, because it is, on its face, contradictory to the underlying flexibility of this bill. I take a back seat to no one in supporting an efficient, well-maintained system of roads for our Nation. We need a national system of roads.

Whether we give it a name or not, there effectively is and will be a national highway system. That is because every State, every region, has a vital economic interest in maintaining a core system of highways.

And, in the bill reported by the committee, we had already accounted for this; $14 billion is set aside for maintenance of the Interstate System, the backbone of any national highway system. Beyond that, we would have left it up to the States to maintain their crucial roads.

Now, some fear that States will run amok with new found authority, this flexibility. They fear that primary roads will be neglected. But, Mr. President, that is just not a realistic fear. Even in a State like New Jersey, where more transit is needed, the State will not—and it realistically cannot—ignore these major arteries, upon which so much of its economy is based.

So, Mr. President, I would say that, in effect, we already do have, and will continue to have, a national highway system. But, to have set aside a major share of the surface transportation program [STP] funds, as some proposed with the administration's encouragement, for a system to be designated at some point in the future by the Department of Transportation, would have flown in the face of the most progressive policy aspect of this bill: its flexibility, and in turn, the ability of States to use that flexibility to most effectively meet their transportation needs.

It is ironic: time after time, we hear the administration call for less big Government. "Let the States decide," they say. "States know best what they need," they say.

Well, in this bill, we agree. We would let State and local governments have the choice, the flexibility to use their funds as they see fit. And now, the administration does not seem to trust the States anymore. It wants to make the decisions here in Washington, not out in the States.

Well, I am ready to trust New Jersey. The other members of our committee trust their States. And, this trust, this flexibility, is at the core of our bill.

Our bill recognizes that transportation needs around the country are different: Idaho is different from New York; North Dakota is different from New Jersey. Well, even northern New Jersey is different from southern New Jersey.

The flexibility in our bill is the key to addressing those differences. Requiring a substantial set-aside of the STP would significantly reduce that flexibility. It would take away the flexibility that is so desperately needed by States like New Jersey to meet its clean air goals; goals that the President endorsed just last year.

I could not support that. If we are going to give States flexibility, and I think all of us here want to, we need to give them enough flexibility to let them do the job that needs doing.

The proposal ultimately adopted by the Senate, which sets aside 17.5 percent of STP funds, retains that flexibility, while meeting concerns that States would ignore their principal arterials. It does not undermine the goals of this bill.

LONGER COMBINATION VEHICLES

I am also pleased to note that the Senate adopted an amendment by Senator EXON and myself freezing the allowable lengths of longer combination vehicles, or LCV's. This amendment complements the provision I sponsored in the committee-reported bill freezing the use of LCV's, based on weight.

With these two provisions, we have closed off any more interstates to LCV's. If this amendment becomes law, and I believe that there is strong support for it in the House, the average driver in New Jersey, Connecticut, Maryland, and the many other States not now allowing LCV's, will not have to face the prospect of sharing the road with a truck weighing 70 tons and measuring well over 100 feet long.

INTELLIGENT VEHICLE AND HIGHWAY SYSTEMS

As I noted in my opening statement, this bill also contains my legislation to authorize a comprehensive Federal program on intelligent vehicle-highway systems [IVHS]. As borne out by a recent GAO report, I believe that IVHS holds tremendous promise for easing traffic congestion, and associated problems. As I have discussed here on the floor with the distinguished manager, it can help to significantly improve the productivity of our highway systems. And, it can add capacity to our existing systems, without having to pour more concrete. I am pleased that the Senate is approving my IVHS provision, and am pleased at the prospect of seeing IVHS incorporated as an integral part of our Nation's surface transportation systems.

Mr. President, there are two other provisions in the Environment and Public Works Committee portion of this bill that I sponsored, and want to note here.

NON-FEDERAL TOLL FACILITIES

First, section 123 allows States to be credited with expenditures on non-Federal toll facilities in meeting their Federal match requirements.

A number of States have constructed, without Federal assistance, transportation facilities that contribute significantly to the Nation's interstate commerce network. Although these facilities, such as the New Jersey Turnpike, are essential to interstate commerce, funds committed to build, maintain, or improve such facilities are currently not considered as part of a State's non-Federal capital spending for matching share requirements. Revenues generated for capital purposes through tolls or the fare box on those facilities may, in some cases, exceed the revenues generated by the State through its motor fuel taxes. In the case of New Jersey, the State raises approximately $425 million annually in tolls on its three major toll roads: the New Jersey Turnpike, the Garden State Parkway, and the Atlantic City Expressway.

This section would, in an effort to promote innovative financing of infrastructure improvements, allow States to use that spending in meeting non-Federal match requirements. It would not make additional Federal funds, above those for which the State would otherwise be eligible, available; the intent is to take into account more of a State's non-Federal transportation efforts than has to date been recognized, and allow States like New Jersey to make more effective, coordinated use of its resources.

PEDESTRIAN PARKS BRIDGES

The second provision is a less far reaching, but important change in current law. It amends the definition of a "park road," to include a pedestrian bridge. The reason for doing this is to allow such a bridge, that would connect the newly renovated Ellis Island Immigration Museum with Liberty State Park in Jersey City, NJ, to be funded under the Federal Parks Road Program. Under the current program, the Federal Highway Administration does not normally allow pedestrian bridges to be funded with this money. But, in this case, there is no alternative means of reaching Ellis Island, except by ferry. That system has, to date, been too expensive and too inconvenient to adequately serve the many Americans who want to revisit their heritage at Ellis Island. With this provision, a pedestrian bridge could be built with Federal funding.

Mr. President, this bill now also contains titles from the Commerce Committee and Banking Committee. I would like to make note of a few provisions in those titles.

DRUNK DRIVING

Over the years, I have worked with my colleagues on the Commerce Committee on important highway safety legislation. A focus of my efforts has been on combating drunk driving. We have made significant progress in that battle. But, more than 20,000 people continue to die each year in alcohol-related crashes. We have to do more to curb that senseless slaughter on our highways.

The Commerce Committee reported, as part of its contribution to its package, legislation to reauthorize and modify the section 410 program, which I authored in 1988. This program can have significant, lasting impacts on our national efforts to reduce drunk driving. Among the changes the Committee made to the program was to take into account the actual performance of a State in reducing drunk driving when awarding incentive grants. I sought this change, and support its inclusion. It represents an important advance that may help keep States like New Jersey heading in the right direction in fighting drunk driving.

MASS TRANSIT

Mr. President, I also want to commend Senator CRANSTON and his colleagues on the Banking Committee for their efforts to bring before this body a strong transit bill.

States like New Jersey depend on transit. It is an absolutely essential component of our transportation network.

We need to not only maintain, but also expand, our transit systems. Unfortunately, current policies of the Urban Mass Transportation Administration [UMTA] have actively discouraged the development of more transit capacity. The combination of the flexibility of the highway title of this bill and the changes contained in the transit title will help change this.

Among the major hurdles that areas seeking to build new transit systems have faced has been an UMTA policy of allowing only one new start per corridor. I do not believe that this is a wise policy. And, for the last few years, as chairman of the Transportation Appropriations Subcommittee, I have included a provision in the annual transportation bill to prevent UMTA from formalizing that policy into regulation. This has enabled two important projects in New Jersey to get underway: One that will connect Newark International Airport with downtown Newark and Elizabeth, NJ; and another to provide needed transit along the Hudson River waterfront. I am pleased to note that the Banking Committee included a comparable provision in the bill we are approving here today.

The transit title also makes other important changes in the criteria used to evaluate transit new starts. These changes would mean that more realistic factors are used in considering new systems. They will help level the field between transit and roads. A key provision would exempt new starts from burdensome administrative reviews when the projects are needed to carry out State implementation plans to meet clean air goals. This is essential for New Jersey, which finds itself in nonattainment of clean air standards, and will look to transit to help come into compliance.

SENIORS AND DISABLED TRANSPORTATION

This legislation also includes several provisions that were included in a bill I introduced earlier in the 102d Congress designed to improve transportation for senior citizens and disabled Americans.

When I introduced S. 1067, the Elderly and Handicapped Transportation Act, I noted that the section 16(B)(2) program, which provides capital funds for specialized transit to nonprofit organizations who provide transportation to seniors and the disabled, was underfunded and needed to be expanded. I think that members of the Banking Committee also recognized that the $35 million ceiling, that existed for the last 5 years, was creating situations where over 50 percent of the applicants for section 16(B)(2) were denied. This was the case for nonprofit organizations in New Jersey.

The transit title of this bill would almost double the amount of funds available under the section 16(B)(2) program for nonprofits to receive vehicles. While my bill called for higher authorization levels, I applaud the committee's effort to increase the program. This legislation also allows nonprofits to lease their vehicles to public agencies while they are not being used, in order to offset the rising costs of operating section 16(B)(2) vehicles. This was also a component of my legislation.

This new legislation will finally address a growing problem in our country. This problem is the lack of adequate transportation services for our Nation's senior citizens and disabled persons. While this program has been capped over the last 5 years, the need for such services has grown dramatically, especially among our senior citizens. The number of people over 60 years old will greatly increase over the next 20 years. Over half of all seniors in a recent Gallup Poll cited the lack of transportation services as a major obstacle in obtaining medical care. Mr. President, this legislation will allow our Nation's seniors and disabled access to vital social services.

In conclusion, Mr. President, in the package before us, we have a comprehensive surface transportation bill. It is a plan that can take this country through the 1990's and beyond, into the next century. I urge my colleagues to support it.

Mr. JEFFORDS. Mr. President, I wish to express my strong support for S. 1204, the Surface Transportation Efficiency Act of 1991. The leadership of the Environment and Public Works Committee—Senators BURDICK, CHAFEE, MOYNIHAN, and SYMMS—deserve credit for having devised a creative and effective program to address our changing transportation needs.

This bill provides more Federal money to address our pressing transportation infrastructure demands. It provides States greater flexibility to decide the best use of such funds, and it sets fair and reasonable matching formulas. Of particular interest to Vermont, the bill provides additional funds for bridges, including rural bridges.

In addition, the bill includes important new initiatives in mass transit, vehicle safety, and infrastructure preservation. As its title infers, it relies on the more efficient use of our existing system rather than increasing the size of the system. While Americans will continue to cherish the solitary pleasures of their automobile, this bill encourages HOV [high occupancy vehicle] lanes, buses, trains, and bikeways.

As expected, our floor debate has focused on funding formulas and how we will choose to divide gasoline tax revenues dedicated to the highway trust fund. It is important to realize that this bill spends the maximum amount of money available, consistent with current trust fund surpluses, projected receipts, and overall budget cap agreements.

As with other Federal programs, there will be States that fare better than others. But it is the integrity of the National System that is important. Money is one issue—and it will be settled in the end. Policy is another matter, and in this regard S. 1204 takes great strides.

Mr. President, this bill overhauls the current transportation category system to give States greater flexibility in programming transportation funds. This is appropriate; Vermont's transportation needs are as different from those of California as night is to day. Each State has different needs; each should have flexibility to choose its devices to satisfy these needs.

There are certain national objectives to be kept in mind, however. We depend on our transportation system to move people between destinations, whether it be for work or play. We also depend on this system to move goods to market, for the benefit of producers and consumers. From the beginning of this debate, the administration and Congress have agreed that all available Federal transportation funds, within the constraints of last year's budget agreement, should be spent for transportation purposes.

S. 1024 contains many policy changes that encourage the development of a safer and more efficient surface transportation system. For example, I support provisions of the bill to freeze the current size limits on large trucks. It is not at all clear that these vehicles pay their share of highway taxes. In adddition, I have concerns about the safety and environmental implications related to congestion and air pollution. While I respect and appreciate the people in the trucking industry, I am not convinced that bigger trucks are in the best interest of Vermont's truckers and note the opposition of the Teamsters Union.

On another matter, I was disappointed with the deletion of provisions related to visual pollution control—billboards. I continue to believe that this issue is misunderstood. Courts have consistently supported the constitutionality of the use of amortization to compensate billboard owners for the removal of nonconforming billboards. On the policy side, I support a moratorium on new billboards along Federal highways, and do not believe that we should clear-cut trees in order to preserve the vista of a billboard.

Be that as it may, the Senate voted to delete the billboard control section. I hope my friends in the House of Representatives will fare better. Vermont,

having banned such signs 20 years ago, continues to provide a haven for those seeking refuge from the cornicopia of commerce lining our roads.

The comprehensive planning provisions of the bill are also a very important component. Many people, when they think of planning, refer to big cities, interstate loops, and interconnecting rail and air facilities. This bill builds upon requirements of current law requiring metropolitan areas above 50,000 in population to undertake careful planning operations. Such plans must be particularly mindful of the recently passed Clean Air Act amendments, so that transportation policies will be coordinated with efforts to reduce air pollution.

Equally important, the bill strengthens requirements for States to undertake statewide planning processes, including consideration for rural areas. For States such as Vermont, with changing rural populations, thoughtful transportation planning in these areas is an important consideration. I am pleased that an amendment by Senator LEAHY and myself was accepted, which specifically requires involvement of locally elected officials in the State planning process. The bill also allows State planning funds to be distributed to localities, as the States deem appropriate.

While roads and bridges constitute the primary means of travel, the bill also commits funds for transportation enhancement activities which include a broad range of uses. Safety programs are an important component, including education programs, rescue efforts and rail-highway grade crossings. These are vital functions, for which the bill sets no specific minimums or maximum funding. I would hope that States move to increase, rather than decrease, funding levels in these important areas.

The bill recognizes that trucks and cars are not the only way to get between points A and B. S. 1204 provides an opportunity to fund projects to serve the world's most popular form of transportation—the human-powered bicycle. Greenways and bikepaths are defined as transportation enhancement activities and are included for funding under the bill. Vermont has made good use of past funds—Federal, State and private—and I support these efforts. Greenways and bikepaths provide opportunities for transportation and recreation in both urban and rural areas, and I hope that State and urban planning processes will fully appreciate such benefits.

In Vermont, for instance, our Trails and Greenways Council assists localities in designing and funding these linear parks, with the hope of interconnecting communities throughout the State. From the lakeside city of Burlington, to the mountainside town of Stowe, bikepaths and greenways are used and enjoyed by both residents and visitors alike.

Other permissible uses of funds, within certain constraints, include carpool projects, scenic and historic easements, removal of billboards, preservation of historic structures, archaeological planning, and mitigation of water pollution due to highway runoffs.

Part B of the bill establishes a "national recreational trails trust fund," into which gas tax receipts from nonhighway users will flow. Through State recreational trails advisory committees, these funds will then be available for State recreational trails. The program encourages cooperation between hikers and bikers, skiers and snowmobilers, walkers and runners.

I want to thank Senator SYMMS for the hard work that he has invested in making this program workable for all concerned. The Trails Act returns nonhighway funds to nonhighway uses, and fosters cooperation between users. The needs are great, and this dedicated trust fund, in addition to other existing funding mechanisms, will help to fulfill them.

But the bulk of the money provided by the bill, as it should, will be used toward our growing national transportation needs. In Vermont, as with other States, that equates to roads and bridges.

This bill provides $105 billion in funding over the next 5 years for transportation purposes. Recognizing the fiscal difficulty States are facing, the bill sets matching ratios that will enable these States to use these Federal funds, without undo risk of losing spending authority because of an inability to raise comparable State revenues.

Earlier this year, I met with various Vermont State officials, who expressed a consistent transportation need: bridges, including scores of rural bridges. This bill allows an amount up to 35 percent to be available for use on any public bridge identified in the State bridge management system. Additional amounts may also be provided for bridges from the Surface Transportation Program.

Many of our rural bridges are critical to our State economy and way of life. Meanwhile, many are located in areas in which the citizens are unable to afford the total cost of extreme rehabilitations or replacement. This bill, with its higher funding amounts and greater flexibility, provides an opportunity to address these critical bridge needs.

Mr. President, once again I congratulate the leaders of the Environment and Public Works Committee for their efforts in developing this creative and Comprehensive Transportation Program.

Surface transportation is an important part of our American way of life. We've come to enjoy our freedoms, but we've also recognized our limitations. This bill puts us on the road toward greater opportunities.

Mr. MITCHELL. Mr. President, during the last 10 days, in fact, over the last month, but particularly during the last 10 days, a number of individuals at the Federal Highway Administration have worked endlessly, throughout the night and through a number of weekends, to ensure that Members of the U.S. Senate had the information they requested.

All of us have heard numerous references to charts that have been produced by the Federal Highway Administration. The charts and tables, the legislative language, and the general information provided by these individuals at the Federal Highway Administration have been prepared in an efficient and accurate manner.

I would like to take a moment and express my appreciation for the efforts put forth by: Bud Wright, Jack Basso, Bruce Swinford, Patty McAleer, Debra Johnson, Susan Lauffer, Jim Wiese, Frank Calhoun, Kathy Collins, as well as the efforts by Galen Reaser and Gene McCormick to ensure that all requests were fulfilled and coordinated.

This has been a long 2 weeks, but it would have been longer had these individuals not been so ready and willing to work a significant number of extra hours.

HAPPY BIRTHDAY, SENATOR BURDICK

Mr. MITCHELL. Mr. President, if I may have the attention of the Senate, one happy result of the fact that it took nearly 2 weeks to complete this bill is that we are about to pass it on the day that is also the birthday of the distinguished chairman of the full committee, our beloved colleague, QUENTIN BURDICK.

[Applause, Senators rising.]

Mr. MITCHELL. Mr. President, the vote that will now occur is the most tangible evidence of the respect of our distinguished colleague by the Members of this body.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Certainly.

ORDER OF PROCEDURE

Mr. DOLE. I have had a number of inquiries on the program for tomorrow. A number of Members on this side wonder whether there might be any opportunity to take up the energy and water appropriations bill tomorrow. Is that possible?

Mr. MITCHELL. Mr. President, I will certainly consider that. But as my colleague knows, the President has made a number of statements in the past several weeks criticizing us for not taking up and passing the crime bill.

I have been trying very hard to get to the crime bill. Of course, were I to accede to that request of your colleagues, why, then, it would further delay action on the crime bill; thereby, I fear, inducing another speech from the President.

Mr. DOLE. If I can assure my colleague there will be no more speeches from the President?

Mr. CHAFEE. Ever?

Mr. DOLE. Not ever, no.

Mr. MITCHELL. Then that is something we can talk about and I would be pleased to consider that, Mr. President.

The PRESIDING OFFICER. If there be no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass? 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 Arizona [Mr. DECONCINI] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 91, nays 7, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—91

Adams	Ford	Moynihan
Akaka	Fowler	Murkowski
Baucus	Garn	Nickles
Bentsen	Glenn	Nunn
Biden	Gore	Packwood
Bingaman	Gorton	Pell
Boren	Gramm	Pressler
Bradley	Grassley	Reid
Breaux	Harkin	Riegle
Brown	Hatch	Robb
Bryan	Hatfield	Rockefeller
Bumpers	Helms	Rudman
Burdick	Hollings	Sanford
Burns	Inouye	Sarbanes
Byrd	Jeffords	Sasser
Chafee	Johnston	Seymour
Coats	Kassebaum	Shelby
Cochran	Kennedy	Simon
Cohen	Kerrey	Simpson
Conrad	Kerry	Smith
Craig	Lautenberg	Specter
Cranston	Leahy	Stevens
D'Amato	Levin	Symms
Danforth	Lieberman	Thurmond
Daschle	Lott	Wallop
Dixon	Lugar	Warner
Dodd	McCain	Wellstone
Dole	McConnell	Wirth
Domenici	Metzenbaum	Wofford
Durenberger	Mikulski	
Exon	Mitchell	

NAYS—7

Bond	Kasten	Roth
Graham	Kohl	
Heflin	Mack	

NOT VOTING—2

DeConcini	Pryor

So, the bill (S. 1204), as amended, was passed.

(The text of S. 1204, the Surface Transportation Efficiency Act, will appear in a future edition of the RECORD.)

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MOYNIHAN. Mr. 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.

THE LAST SOVIET TROOPS LEAVING HUNGARY

Mr. DODD. Mr. President, I rise to ask for special recognition to take note of a historic occasion. Today, the last occupying Soviet troops left the territory of the Republic of Hungary.

Mr. President, I belong to the generation that has had as one of its earliest memories of world events the Hungarian Revolution of 1956. I was but a young man of 12, but I recall the awe, the admiration, and ultimately the horror with which the American people watched the life and death struggle of a small nation against a foreign oppressor 25 times its size.

It is a historic fact that before the Soviets, Hungary was also occupied by Nazi Germany, so it is the first time in more than 47 years, almost half a century, that Hungary has no foreign occupying forces on its territory.

I am sure all of my colleagues join me in rejoicing over this event. I also take this opportunity to send my best wishes to the people of Hungary for their efforts to preserve freedom, to solidify their democratic system and to achieve long deserved economic prosperity.

Mr. President, Hungary is experiencing some hard times as it converts its economy to a free-market system. I visited that country on two occasions, and I was always impressed by the talent, industry, and spirited nature of the people of that Nation. I trust that with the assistance of their friends, including the people of the United States, Hungarians will find the patience and fortitude they need to complete their historic road to join the ranks of free and prosperous nations.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, first, let me commend my friend from Connecticut for remembering the very critical day, which is now a period which is hopefully passing into history.

He, like I, was raised very much a part of the Hungarian Revolution in 1956. We cheered those freedom fighters and, we, in Michigan, as a matter of fact, received thousands of those freedom fighters, those who were able to escape. Those who were left there were, in effect, prisoners.

Over the years, many of us around the world have helped to do everything we possibly could to bring about the freedom of Hungary. That freedom has now been achieved. I think it is remarkable, and it is also important that my friend do what he did here this evening, which is to remember these events.

Mr. DODD. I thank my colleague for that point.

I happened to turn 47 a couple weeks ago. Two weeks after my birthday, 47 years ago, the Nazis occupied Hungary. Today, the last Soviet troops left. It is a remarkable event and probably will not be terribly well noted in too many places but an historic event of significant proportions.

I thank my colleague from Michigan.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank the Chair.

(The remarks of Mr. CRANSTON pertaining to the introduction of Senate Joint Resolution 165 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EQUITY ANALYSIS OF 1990 FARM LEGISLATION

Mr. DOLE. Mr. President, the Department of Agriculture has recently completed an equity analysis of 1990 farm legislation. Specifically, the report analyzes the impact which the Food, Agriculture, Conservation, and Trade Act of 1990 and the Omnibus Budget Reconciliation Act of 1990 will have upon farmers on a commodity by commodity basis. Several quantitative measures are used to compare changes in relative support among commodities. I ask unanimous consent that the entire text of the report be included in the RECORD following my remarks.

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

EQUITY ANALYSIS OF 1990 FARM LEGISLATION

SUMMARY

Concern with differing levels of government support was an issue raised in the Senate-passed version of the 1990 Farm Bill. This paper assesses how commodity program changes required by the Food, Agriculture, Conservation, and Trade (FACT) Act of 1990 and the Omnibus Budget Reconciliation Act of 1990 affect relative levels of support among commodities.

Several quantitative measures are presented with some being more dependent than others on future farm program parameters, commodity prices, program participation, and acreage adjustments in response to changes in market returns and farm programs. The following measures are used to compare changes in relative support among commodities:

Government payments or support per unit of production,

Gross farm income,

Commodity Credit Corporation (CCC) outlays, and

An aggregate measure of government support.

These measures are estimated for each commodity sector or market and not for an individual farm.

Estimates of farm income, CCC outlays, and government payments under the 1990

FACT Act and the Reconciliation Act are based on the Department's forecasts for the President's FY 1992 Budget. These forecasts were based on future supply, demand, and price prospects as estimated in November 1990.

To evaluate the effects of legislative changes in farm programs, the forecasts of farm income, government payments, CCC outlays, and other farm sector variables were projected assuming continuation of the 1985 Farm Bill and then compared with projections under the 1990 FACT Act and Reconciliation Act. Extension of the 1985 Farm Bill is not straightforward, however. A case in point is whether continuation of the 1985 Farm Bill means that the minimum support price for manufacturing milk is frozen at the 1990 level or allowed to decline by $0.50 per hundredweight if projected purchases exceed 5 billion pounds. The attached analysis assumes that further reductions in the minimum support price would be permitted under extension of the 1985 Farm Bill.

The 1990 FACT Act greatly increased farmers' planting flexibility. At this stage, it is impossible to know how farmers and markets will react to this increased flexibility. Any projections of acreage shifts would be extremely uncertain. In addition, increased flexibility could provide benefits to some groups of farmers in one year and others in another year, depending on how relative market returns for various crops change from one year to the next. For these reasons, this analysis does not attempt to estimate how the evaluation measures will change in response to the increased planting flexibility provided by the 1990 FACT Act.

The measures used to evaluate the fairness and equity of the 1990 FACT Act and Omnibus Reconciliation Act generally support the following conclusions:

The level of support declined the most for corn, sorghum, upland cotton, and wheat. The level of support declined significantly but to a lesser extent for rice as the new legislation did not affect marketing loan payments.

Most measures indicate that the level of support for soybeans did not change dramatically under the 1990 FACT Act and Reconciliation Act. Normally, loan rates are up and the level of support could rise significantly if prices fall below the minimum effective loan rate established by the 1990 FACT Act. However, the incomes of traditional soybean producers could fall if the new legislation leads to a sizeable increase in soybean acreage.

The level of support did not change significantly for oats, sugar, peanuts, tobacco, and wool and mohair.

The level of support rose moderately for barley.

The level of support increased significantly for milk and honey.

The 1990 FACT Act increased the level of support to producers of minor oilseeds. However, insufficient data exists for quantifying these impacts.

Measures of fairness and equity are highly sensitive to a wide variety of assumptions. In addition, the measures presented in the following paper are by no means exhaustive. Alternative measures and assumptions could possibly yield different interpretations of the fairness and equity of the 1990 FACT Act and Omnibus Reconciliation Act.

This paper assesses how commodity program changes required by the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 FACT Act) and the Omnibus Budget Reconciliation Act of 1990 (1990 Reconciliation act) affect relative levels of support among commodities. Concern with differing levels of support was an issue raised in the Senate-passed version of the Farm Bill, which included a sense-of-the-Senate resolution stating:

"* * * it is the sense of the Senate that the budget process unfairly penalizes producers of commodities supported primarily by Treasury payments relative to producers of commodities supported primarily by consumers.

Further, it is the sense of the Senate that whatever outlay reductions required by the budget process for Treasury payment supported commodities should be shared equitably between such commodities. In addition, there should be equitable reductions in support mechanisms for commodities supported by consumers relative to Treasury supported payment commodities."

There are numerous measures that could be used to evaluate equity among commodities. Different measures could lead to different conclusions regarding equity. This analysis uses alternative measures to evaluate the 1990 acts during the life of the 1990 FACT Act, 1991–1995. Quantification of each evaluation measure depends on many assumptions. These assumptions include how the 1990 FACT Act will be administered over the next 5 years (for example, acreage reduction levels), program participation rates, what crops farmers will plant on flexible acres, commodity prices, competitor response to U.S. market developments, and so on. Any such assumptions are subject to error, and changes in them could alter conclusions regarding changes in relative support among commodities.

Measures contingent on projections of the future compound the difficulty of assessing the fairness and equity of the 1990 FACT Act and Reconciliation Act. For that reason, several quantitative measures are presented in this analysis with some being more dependent on future farm programs, prices, participation levels, and acreage shifts than others. The following evaluation measures are used to estimate the effects of program changes on a commodity sector or market:

Government payments or support per unit of production,

Gross farm income,

Commodity Credit Corporation (CCC) outlays, and

In aggregate measure of government support.

The evaluation measures are calculated for corn, sorghum, barley, oats, wheat, upland cotton, rice, soybeans, sugar, peanuts, tobacco, honey, wool and mohair, and dairy. Lack of data prevented determining these same measures for minor oilseeds.

Prior to the 1990 FACT Act, price support loans for minor oilseeds were not available. The 1990 FACT Act mandated marketing loans for minor oilseeds. This provision will likely have a positive impact on minor oilseed production and producer incomes, while raising farm program outlays.

In the analysis that follows, the combined effects of the 1990 FACT Act and Reconciliation Act are estimated by comparing changes in the above evaluation measures. Estimates of farm income, CCC outlays, and government payments under the 1990 FACT Act and the Reconciliation Act are based on the Department's forecasts for the President's FY 1992 Budget. These forecasts were based on future supply, demand, and price prospects as estimated in November 1990.

To evaluate the effects of legislative changes in farm programs, the forecasts of farm income, government payments, CCC outlays, and other farm sector variables were projected assuming continuation of the 1985 Farm Bill and then compared with the projections under the 1990 FACT Act and Reconciliation Act. Extension of the 1985 Farm Bill is not straightforward, however. A case in point is whether continuation of the 1985 Farm Bill means that the support price for manufacturing milk is frozen or allowed to decline by $0.50 per hundredweight if projected purchases exceed 5 billion pounds. In this analysis, it is assumed that extension of the 1985 Farm Bill would permit further reductions in the support price. It is further assumed that commodity export programs, such as the Export Enhancement Program (EEP), PL. 480, and credit programs would not be substantially different under the 1990 FACT Act and Reconciliation Act and extension of the 1985 Farm Bill.

The 1990 FACT Act greatly increased farmers' planting flexibility. At this stage, it is impossible to know how farmers and markets will react to this increased flexibility. In addition, increased flexibility could provide benefits to some groups of farmers in one year and others in another year, depending on how relative market returns for various crops change from one year to the next. For these reasons, this analysis does not attempt to estimate how the evaluation measures will change in response to the increased planting flexibility provided by the 1990 FACT Act.

In the discussion that follows on each evaluation measure, the term "1990 Farm Bill" is used to cover the combined provisions of both the FACT Act and the Omnibus Reconciliation Act.

Measure 1—Government payments per acre: One measure of equity and fairness is the change in government payments onder the 1990 Acts. Under the 1985 Farm Bill, barley deficiency payment rates were based on the average price of all barley. The 1990 Acts determines deficiency payment rates based on the price of feed barley alone, effectively raising deficiency payments to barley producers. The mandated assessment on malting barley producers, the reduction in payment acres, and the adjustment in the 5-month price used to compute deficiency payments are insufficient to offset the payment increase. No reduction in oats payments occurs after the 1993/94 marketing year, because market prices are expected to exceed the target price.

For nonprogram crops, honey, wool and mohair, and dairy this measure is estimated by taking the change in the support price or payment rate for each community under the 1990 Farm Bill. These estimates include adjustments for producer assessments. Higher support prices more than offset producer assessments under the 1990 Farm Bill for soybeans, honey, and milk, raising the per unit level of government support for these commodities. Producer assessments result in a slight reduction in the level of government support for tobacco, wool and mohair, and peanuts. There was no significant change in the level of government support to sugar producers under the 1990 Farm Bill.

Measure 2—Gross farm income: A second measure of equity and fairness is the effect of the 1990 Farm Bill on gross farm income for the commodity (market receipts plus government payments). Table 2 indicates that for corn, sorghum, rice, upland cotton, and wheat the 1990 Farm Bill is expected to reduce gross farm incomes by 3–5 percent, while the 1990 Farm Bill is expected to have no impact on oat producers' incomes and a positive impact on barley producers' in-

comes. The gross income of barley producers increase, because of the change in the method of computing barley deficiency payments under the 1990 Farm Bill. The incomes of oats producers are not likely to be significantly affected by the 1990 Farm Bill, since market prices are expected to be near the target price and the 1990 Farm Bill requires that the acreage reduction program (ARP) for oats be set at zero.

The 1990 Farm Bill could have quite different impacts on the gross incomes of soybean producers depending on how farmers react to the planting flexibility provisions of the 1990 Farm Bill. If there is very little shift of acreage into soybeans, soybean producers' incomes could drop less than 1 percent under the 1990 Farm Bill. But, if soybean acreage increases dramatically, greater reductions in soybean producers' incomes could occur.

The 1990 Farm Bill is expected to have little to no impact on the gross incomes of sugar, peanut, wool and mohair, and tobacco producers. For these commodities, the 1990 Farm Bill imposed assessments, but either these assessments do not directly apply to producers or the assessment levels are not large enough to significantly affect the incomes of these producers.

The 1990 Farm Bill is expected to substantially increase the gross incomes of honey and dairy producers. The 1990 Farm Bill established the minimum support price for manufacturing milk at $10.10 per hundredweight, while extension of the 1985 Farm Bill would have mandated annual reductions of $0.50 per hundredweight if projected purchases exceed 5 billion pounds milk equivalent. Under the 1990 Farm Bill, the support level for honey was frozen at the 1990 level of 53.8 cents per pound, while extension of the 1985 Farm Bill would have allowed annual reductions of up to 5 percent per year. For both of these commodities, the 1990 Farm Bill mandated producer assessments, but these assessments are projected to be more than offset by higher support levels, causing the gross incomes of these producers to be higher under the 1990 Farm Bill.

Measure 3—CCC outlays: A third measure of equity and fairness is the effect of the 1990 Farm Bill on net CCC outlays for income and price support and related activities. Table 3 indicates that CCC outlays are 20–30 percent lower each year for corn, sorghum, upland cotton, and wheat under the 1990 Farm Bill, compared with an extension of the 1985 Act. Rice outlays do not drop as much (15 percent lower) because the 1990 Farm Bill did not affect marketing loan payments. On the other hand, barley outlays increase in all years and oats outlays remain unchanged by the 1990 Farm Bill. Barley outlays increase, because the 1990 Farm Bill determines deficiency payment rates based on the price of feed barley alone, rather than all barley. The 1990 Farm Bill is not expected to change outlays significantly for oats, since prices are forecast to be near the target price and the 1990 Farm Bill requires that the ARP for oats be set at zero.

Assessments imposed on marketings of sugar, peanuts, and tobacco by the 1990 Farm Bill will result in government receipts that more than exceed projected outlays for those commodities under continuation of the 1985 Farm Bill. Generally, outlays for those crops have been near zero or negative in some years. Assessments lead to a slight reduction in outlays for wool and mohair.

Outlays for honey and dairy increase sharply under the 1990 Farm Bill despite assessments. For both dairy and honey, the large increase in outlays is due to the increase in the level of support expected under the 1990 Farm Bill, compared with a continuation of the 1985 Act.

Soybean outlays are projected to decline under the 1990 Farm Bill. The 1990 Farm Bill increased the minimum soybean loan rate from $4.50 to $5.02 and imposed a 2-percent origination fee on soybean 9-month loans. In addition, the 1990 Farm Bill mandated a marketing loan program for soybeans. World market prices are projected to exceed the minimum soybean loan rate of $5.02 per bushel and, therefore, no marketing loan payments are projected. However, past experience indicates that the soybean market is extremely volatile and the possibility of large payments in the future cannot be ruled out. If world soybean prices decline sufficiently, the 1990 Farm Bill will lead to higher soybean outlays than under extension of the 1985 Farm Bill.

Measure 4—An aggregate measure of support: CCC outlay changes as a measure of equity and fairness fail to consider that some commodities are supported through direct payments while others are supported through support prices and import controls. Table 4 provides estimates of the proportion of gross income that is due to government programs under the 1985 Farm Bill and 1990 Farm Bill. For program crops, wool and mohair, and honey, this table gives estimates of the proportion of gross farm income accounted for by direct payments (including Conservation Reserve Program payments), or direct payments divided by total gross income. For commodities that are supported through internal support prices and import controls, such as sugar, peanuts, and dairy, government program support is determined by multiplying total marketings by the difference between the projected U.S. price and the projected world price and dividing the result by total gross income. No attempt was made to estimate the effects of export programs, such as the EEP on the level of direct payments or farm income.

The level of support provided under the 1990 Farm Bill declines for most program crops. Exceptions include barley and oats. The level of support provided to barley producers increases under the 1990 Farm Bill, again, because of the change in the method used to compute deficiency payments. The level of support to rice producers declines about 10 percent, but remains near 40 percent under the 1990 Farm Bill, the highest level of support provided to a program crop followed by wheat. The lowest level of support provided to a program crop is upland cotton with slightly over 10 percent of gross farm income coming from direct payments.

For nonprogram crops, honey, and dairy, the level of support under the 1990 Farm Bill either changes little or increases. The proportion of farm income accounted for by government programs declines less than 1 percent for peanuts, wool and mohair, and sugar and is projected to be near 60 percent for wool and mohair, over 50 percent for sugar, and about 45 percent for peanuts under the 1990 Farm Bill. The 1990 Farm Bill raised support prices for milk and honey, causing the level of support provided to these commodities to increase. About 10 percent of honey producers' incomes and about 20 percent of dairy producers' income are projected to come from government programs under the 1990 Farm Bill.

Government programs are not expected to account for a significant portion of the incomes of soybean producers. However, past experience indicates that market conditions are extremely volatile and, therefore, it is very likely that over the life of the 1990 Farm Bill some government support will be provided to these producers.

The aggregate measure of support for tobacco is set at zero under both the 1985 Farm Bill and 1990 Farm Bill. Under both bills, no import controls exist and producer assessments are authorized to offset the cost of supporting tobacco prices.

General conclusions: Several measures are presented to illustrate the equity and fairness of the 1990 legislation. These measures include estimates of the effects of the 1990 FACT Act and Reconciliation Act on the level of support per unit of production, gross farm income, CCC outlays, and aggregate support for selected commodities. Relative to the 1985 Farm Bill, this analysis supports the following conclusions regarding the 1990 legislation:

The level of support declined the most for corn, sorghum, upland cotton, and wheat. The level of support also declined significantly for rice but to a lesser extent, as the 1990 legislation did not affect marketing loan payments.

Most measures indicate that the level of support for soybeans did not change dramatically under the 1900 FACT Act. The level of support could raise significantly if prices fall below the minimum effective loan rate established by the 1990 FACT Act. However, the incomes of traditional soybean producers could fall if the 1990 FACT Act leads to a sizeable increase in soybean acreage.

The level of support did not change significantly for oats, sugar, peanuts, tobacco, and wool and mohair.

The level of support rose moderately for barley.

The level of support increased signficantly for milk and honey.

The 1990 FACT Act increased the level of support to producers of minor oilseeds. However, insufficient data exists for quantifying these impacts.

This analysis depends on a large number of assumptions and forecasts. Future forecasts of commodities prices and outlays have in the past been quite inaccurate. Farm program provisions under the 1990 FACT Act and Reconciliation Act and under continuation of the 1985 Farm Bill are very different and are subject to wide interpretation. In addtition, it is unclear how farmers and markets will react to the increased planting flexibility provided by the 1990 FACT Act, which this analysis does not attempt to capture. Alternative measures and assumptions could possibly yield different interpretations of the fairness and equity of the 1990 FACT Act and Reconciliation Act.

TABLE 1.—ESTIMATED CHANGE IN DIRECT PAYMENTS OR LEVEL OF GOVERNMENT SUPPORT

Commodity	Marketing years—					Average 1991–95
	1991–92	1992–93	1993–94	1994–95	1995–96	
	dollars per acre					
Corn	−10	−9	−9	−13	−12	−11
	[1] −16.2	−16.2	−15.8	−29.5	−31.3	−21.8
Sorghum	−5	−5	−5	−6	−6	−5
	−16.2	−16.2	−15.8	−26.1	−27.5	−20.4
Barley	2	1	1	1	1	1
	16.6	7.8	13.3	10.9	16.8	13.1
Oats	−1	−1	0	0	0	−1
	−10.5	−10.5	−10.5	.....	.....	−6.3
Wheat	−6	−10	−8	−10	−10	−9
	−12.5	−19.4	−17.1	−23.1	−22.7	−19.0
Upland cotton	−9	−12	−12	−12	−11	−11
	−15.8	−16.7	−17.6	−17.6	−17.1	−17.0
Rice	−28	−27	−27	−26	−25	−27
	−12.6	−11.6	−11.7	−11.5	−11.2	−11.7
Soybeans	14	14	14	14	15	14
	9.3	9.3	9.3	9.3	9.3	9.3
Sugar	0	0	0	0	0	0
	0	0	0	0	0	0
Peanuts	−3	−3	−3	−3	−4	−3
	−0.5	−0.5	−0.5	−0.5	−0.5	−0.5
Tobacco	−16	−16	−17	−17	−17	−17
	−0.5	−0.5	−0.5	−0.5	−0.5	−0.5
	Dollars per hundredweight					
Honey	2	5	7	9	11	7
	3.9	9.3	15.1	21.1	27.5	15.4
Wool and mohair	−2	−2	−2	−2	−2	−2
	−1.0	−1.0	−1.0	−1.0	−1.0	−1.0
Dairy[2]	.33	.77	.86	1.19	1.36	.90
	3.4	8.3	9.5	13.6	15.8	10.1

[1] Percent change.
[2] Marketing years 1990–91, 1991–92, 1992–93, 1993–94, and 1994–95, respectively.

TABLE 2.—ESTIMATED CHANGE IN GROSS FARM INCOME

[In millions of dollars]

Commodity	Marketing years—					Total 1991–95
	1991–92	1992–93	1993–94	1994–95	1995–96	
Corn	−688	−726	−687	−895	−762	−3,758
	−[1]3.1	−3.2	−3.0	−3.8	−3.2	−3.3
Sorghum	−66	−69	−63	−75	−58	−331
	−3.8	−3.8	−3.4	−4.0	−3.1	−3.6
Barley	17	7	11	7	8	50
	1.6	0.6	1.0	0.6	0.7	0.9
Oats	0	0	0	0	0	0
	0	0	0	0	0	0
Wheat	−326	−602	−497	−642	−674	−2,741
	−3.6	−6.4	−5.2	−6.5	−6.6	−5.7
Upland cotton	−121	−191	−180	−160	−168	−820
	−1.9	−3.1	−2.9	−2.6	−2.6	−2.6
Rice	−121	−109	−107	−105	−104	−546
	−5.8	−5.4	−5.3	−5.1	−4.9	−5.3
Soybeans	−91	−116	−101	−99	−82	−489
	−0.8	−0.9	−0.8	−0.8	−0.6	−0.8
Sugar	0	0	0	0	0	0
	0	0	0	0	0	0
Peanuts	−6	−6	−6	−7	−7	−32
	−0.4	−0.4	−0.4	−0.4	−0.4	−0.4
Honey	4	9	13	12	11	49
	3.8	8.4	13.1	12.0	10.6	9.6
Wool and mohair	−2	−2	−2	−2	−2	−10
	−0.6	−0.6	−0.6	−0.6	−0.6	−0.6
Tobacco	−12	−12	−13	−13	−13	−60
	−0.4	−0.4	−0.4	−0.4	−0.4	−0.4
Dairy[2]	445	860	1,137	1,617	1,938	5,997
	2.7	5.3	7.1	10.2	12.2	7.5

[1] Percent change.
[2] Marketing years 1990–91, 1991–92, 1992–93, 1993–94, and 1994–95, respectively.

TABLE 3.—ESTIMATED CHANGE IN CCC OUTLAYS

Commodity	Marketing years—					Total 1991–95
	1991–92	1992–93	1993–94	1994–95	1995–96	
	Million dollars					
Corn	−598	−597	−679	−921	−767	−3,562
	[1] −18.3	−18.8	−20.5	−34.9	−35.6	−25.6
Sorghum	−58	−57	−62	−77	−59	−313
	−18.6	−19.1	−20.4	−30.8	−31.2	−24.0
Barley	17	7	11	7	8	50
	16.6	7.8	13.3	10.9	16.8	13.1
Oats	0	0	0	0	0	0
	0	0	0	0	0	0
Wheat	−279	−609	−532	−657	−687	−2,764
	−10.0	−20.5	−19.3	−25.1	−25.3	−20.0
Upland cotton	−146	−231	−193	−151	−176	−897
	−14.7	−25.3	−23.6	−21.6	−22.6	−21.6
Rice	−138	−129	−125	−124	−123	−639
	−14.8	−15.1	−14.9	−14.7	−14.4	−14.8
Soybeans	4	−16	−25	−25	−6	−68
	[2]	.....	.....	.....	.....	.....
Sugar	−26	−27	−28	−28	−28	−137
	[2]	.....	.....	.....	.....	.....

TABLE 3.—ESTIMATED CHANGE IN CCC OUTLAYS

Commodity	Marketing years—					Total 1991–95
	1991–92	1992–93	1993–94	1994–95	1995–96	
Peanuts	−11	−12	−12	−13	−13	−61
	−144.9	−307.8	−302.4	−293.2	−270.0	−263.7
Honey	4	9	13	13	12	51
	16.9	52.1	115.0	116.5	115.1	83.1
Wool and mohair	−2	−2	−2	−2	−2	−10
	−1.0	−1.0	−1.0	−1.0	−1.0	−1.0
Tobacco	−24	−25	−25	−26	−27	−127
	(2)					
Dairy[3]	29	50	113	185	324	701
	4.6	14.6	31.9	65.0	198.2	62.9

[1] Percent change.
[2] Percentage change not computed because baseline level of CCC outlays projected to be zero or negative.
[3] Marketing years 1990–91, 1991–92, 1992–93, 1993–94, and 1994–95, respectively.

TABLE 4.—PROPORTION OF GROSS INCOME DERIVED FROM GOVERNMENT PROGRAMS

[Aggregate measure of support]

Commodity	Marketing years—					Average 1991–95
	1991–92	1992–93	1993–94	1994–95	1995–96	
	Percent					
Corn:						
1990 farm bill	13.2	12.9	12.9	9.0	7.2	11.0
1985 farm bill	15.9	15.5	15.5	12.5	10.1	13.9
Difference	−17.0	−16.8	−16.8	−28.0	−28.7	−20.9
Sorghum:						
1990 farm bill	21.5	20.5	19.7	15.8	13.8	18.3
1985 farm bill	24.5	23.6	22.5	19.2	16.6	21.3
Difference	−12.1	−13.1	−12.4	−17.7	−16.9	−14.1
Barley:						
1990 farm bill	22.7	21.9	20.4	18.2	16.6	20.0
1985 farm bill	21.5	21.4	19.6	17.7	16.1	19.3
Difference	−5.6	−2.3	−4.1	−2.8	−3.1	−3.6
Oats:						
1990 farm bill	16.4	16.0	15.9	14.3	14.9	15.5
1985 farm bill	16.4	16.0	15.9	14.3	14.9	15.5
Difference	0	0	0	0	0	0
Wheat:						
1990 farm bill	34.5	33.0	31.3	27.8	27.4	30.8
1985 farm bill	36.9	37.6	35.2	32.7	32.3	34.9
Difference	−6.5	−12.2	−11.1	−15.0	−15.2	−11.7
Upland cotton:						
1990 farm bill	10.2	11.8	10.6	10.1	10.2	10.6
1985 farm bill	12.0	14.8	13.5	12.5	12.8	13.1
Difference	−15.0	−20.3	−21.5	−19.2	−20.3	−19.1
Rice:						
1990 farm bill	40.6	38.2	37.5	36.9	36.3	37.9
1985 farm bill	44.9	42.6	41.7	41.0	40.3	42.1
Difference	−9.6	−10.3	−10.1	−10.0	−9.9	−10.0
Soybeans:						
1990 farm bill	1.0	1.1	1.2	1.4	1.5	1.2
1985 farm bill	1.3	1.4	1.5	1.6	1.7	1.5
Difference	−23.1	−21.4	−20.0	−12.5	−11.8	−17.8
Sugar:[1]						
1990 farm bill	55.0	55.0	54.0	53.0	52.0	53.8
1985 farm bill	55.0	55.0	54.0	53.0	52.0	53.8
Difference	0	0	0	0	0	0
Peanuts:[1]						
1990 farm bill	35.7	45.2	44.9	45.5	45.2	43.3
1985 farm bill	35.9	45.5	45.2	45.8	45.8	43.6
Difference	−0.8	−0.5	−0.6	−0.6	−0.6	−0.6
Honey:						
1990 farm bill	16.3	12.5	11.3	10.4	9.6	12.0
1985 farm bill	13.3	5.0	0	0	0	3.7
Difference	22.6	150.0				324.3
Wool and Mohair:						
1990 farm bill	61.5	61.4	60.2	59.3	58.8	60.2
1985 farm bill	61.7	61.6	60.4	59.5	59.0	60.4
Difference	−0.4	−0.4	−0.4	−0.4	−0.4	−0.4
Tobacco:						
1990 farm bill	0	0	0	0	0	0
1985 farm bill	0	0	0	0	0	0
Difference						
Dairy:[2 3]						
1990 farm bill	20.7	20.5	20.6	20.3	20.5	20.5
1985 farm bill	18.6	16.0	14.4	11.5	11.1	14.3
Difference	11.3	28.1	43.1	76.5	84.7	43.4

[1] U.S. farm price set equal to projected world price.
[2] U.S. price for manufacturing milk set equal to projected world price.
[3] Marketing years 1990–91, 1991–92, 1992–93, 1993–94, and 1994–95, respectively.

DEFENSE AND SPACE TALKS

Mr. DOLE. Mr. President, arms control is back in the headlines. Problems related to the conventional forces in Europe treaty [CFE] appear to have been resolved—making way for ratification—and the START negotiations are back on the front burner.

In my view, comprehensive agreements like the INF Treaty and the CFE Treaty are important and have their place. But, I also believe that in the area of arms control there are other initiatives and confidence and security-building measures [CSBM's] that can play a very useful role, particularly in promoting stability between the United States and the Soviet Union.

A good example of such initiatives can be seen in the defense and space talks [DST], where our chief negotiator, Ambassador Dave Smith, has been working on an accord on predictability measures. The purpose of the U.S. proposed predictability measures accord is to increase openness in each side's efforts and programs related to strategic ballistic missile defense—in order to reduce suspicion and avert future technological surprise. While the U.S. strategic defense initiative [SDI] is conducted very openly, Soviet stra-

tegic defense activities are still shrouded in secrecy.

I would like to bring to the Senate's attention an article written by Ambassador Smith, published in Jane's Defence Weekly, which discusses United States negotiating efforts to build on Soviet acceptance of several United States predictability concepts, such as annual data exchanges, experts' meetings and observations of field tests.

I ask unanimous consent that Ambassador Smith's article be placed in the RECORD.

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

[From Jane's Defence Weekly, June 1, 1991]

TOWARDS A NEW OPENNESS

Technology has helped the outside world peer over the high wall of secrecy which has surrounded the Soviet Union. In the realm of arms control, satellites and other national technical means (NTMs) have played a vital role in monitoring agreements such as the 1987 Intermediate-range Nuclear Forces (INF) Treaty. Such NTMs will also be indispensable for verifying the Conventional Forces in Europe Treaty signed last year, and the future Strategic Arms Reduction Treaty.

The Super Powers have found considerable value in confidence building measures (CBMs) which enhance security through greater military openness and better communications and understanding.

In 1955 U.S. Secretary of State John Foster Dulles summed up the challenge of disarmament. He doubted it could work with a powerful but untrusted country such as the Soviet Union. Yet, Dulles observed, respect for world opinion required disarmament efforts. Through the post-war era, U.S. and other Western arms negotiators have been trying to meet the challenge by seeking sound, verifiable and durable accords.

U.S.-Soviet CBMs started under President John Kennedy. The 1962 Cuban missile crisis emphasized the value of prompt communications between U.S. and Soviet leaders, and led to the establishment of the hotline between them.

The 1971 Accidents Measures Agreement provides for immediate notice of accidental or unauthorized use of nuclear weapons and for detection of unidentified objects which could create a risk of nuclear war.

The 1973 Agreement on the Prevention of Nuclear War obliges consultations any time that relations between countries appear to involve the risk of nuclear war.

In 1987 the Nuclear Risk Reduction Centres were set up. The centres trade real-time data between Washington and Moscow to implement the INF Treaty and other accords.

The 1988 Ballistic Missile Launch Notification Agreement mandates prior notice of any test launch of a strategic ballistic missile.

Multilateral confidence-building took a major step forward with the 1986 Stockholm Document on Confidence and Security Building Measures in Europe. Advance notification and observation of certain military exercises, forecasts of such events and on-site inspections substituted openness and understanding for the suspicion of earlier years.

Since 1986, the nations that comprise the Conference on Security and Cooperation in Europe (CSCE) have improved and added to the Stockholm Document. At the November summit in Paris they endorsed the Vienna Document of 1990, which superseded Stockholm. New CBMs were added, such as military information exchange, risk reduction and conflict prevention. Increased military-to-military contacts were also accepted.

In the Geneva Defense and Space Talks, an offshoot of the CSCE talks, which have since 1985 focused on the future of the 1972 Anti-Ballistic Missile (ABM) Treaty and space-based defenses, the USA seeks to expand on all of these gains—through an accord on wide-ranging predictability measures. Our goal is to reduce suspicion and avert future technological surprise. This would be achieved by opening an early and wide window into each country's programs in the field of strategic ballistic missile defense.

The U.S. Strategic Defense Initiative (SDI) is already conducted very openly. In contrast, extensive comparable Soviet activities remain shrouded but we believe an opportunity lies before us.

Three years ago the Soviets accepted several U.S. predictability concepts such as annual data exchanges, meetings of experts and observations of field tests.

In December 1989, at Secretary of State James Baker's invitation, Soviet scientists visited two U.S. laboratories engaged in SDI research. Soon after, the Soviets accepted our idea for a 'visits to laboratories' predictability measure.

Momentum on predictability measures should be maintained. However, we are concerned about the hidden meaning of a new pamphlet. Openness and Espionage, written by the Deputy Chairman of the Soviet State Technical Commission, Maj Gen Nikolay Brusnitsyn. This tract may be preparing public ground for a renewed digging-in of Soviet heels.

At first glance, Brusnitsyn supports a climate of improved U.S.-Soviet relations. He says that military openness by itself builds confidence and lessens chances of overestimating the other side's potential. But Brusnitsyn also makes clear that he does not believe in the intrinsic value of openness and espionage belongs more to the 1955 world described by Dulles.

First, Brusnitsyn reduces confidence-building to verifying specific provisions of agreements. NTMs are sufficient for this, he says. Second, beyond NTMs, only a narrow exchange of data would be justified. It would exclude data on weapons characteristics, the structure of deployed forces, and the concentration of arms in a military theatre. Indeed, Brunsitsyn alleges, any exchange beyond what is stipulated by an accord would constitute "intelligence gathering". Had it been Soviet policy in 1986, the Brusnitsyn doctrine would have prevented conclusion of the Stockholm Document. We hope such 'old thinking' does not overtake efforts to gain agreement on defence and space predictability measures in 1991.

At the UN last September former Soviet Foreign Minister Shevardnadze, called for wide-ranging CBMs and cooperative security structures. We are convinced that greater Soviet openness can open a pathway toward achieving these worthwhile goals.

THE HIV RESEARCH PROGRAM IN THE DEPARTMENT OF THE ARMY

Mr. STEVENS. Mr. President, the AIDS epidemic has garnered much in terms of headlines. I would like to call the attention of the Senate to the work that the Department of the Army has been doing for 5 years. That work started here in the Senate when we initiated the money to put the Department of the Army to work to carry out its historical role in innovation. They had dealt with malaria, with development of gamma globulin, and other very serious problems in the medical field.

But since its inception, the Army's HIV research program has focused on the development of the vaccines for the prevention against and treatment of HIV infection. There is a high degree of cooperation between the Army's program and that of the Department of Health and Human Services, and the Army's focus on basic research has enabled HHS to diversify its efforts.

Since fiscal year 1988, the Army's budget for AIDS research totalling nearly $150 million, has funded a safety and immunization study of an HIV envelope-derived protein product—gp160—in volunteers with early HIV infection.

The findings of the Army study indicate that the concept of vaccine therapy is a feasible strategy to pursue in the treatment of early-stage HIV infection. The vaccine appears to have no side effects other than occasional tenderness, swelling, or hardening under the skin at the site of inoculation. In light of these promising results, Army scientists at the Walter Reed Army Institute of Research have initiated further evaluation to assess the clinical efficacy of the vaccine.

I ask unanimous consent to have printed in the RECORD the New England Journal of Medicine article of June 13, 1991, which publishes the results of the Army's work.

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

[From the New England Journal of Medicine, June 13, 1991]

A PHASE I EVALUATION OF THE SAFETY AND IMMUNOGENICITY OF VACCINATION WITH RECOMBINANT GP160 IN PATIENTS WITH EARLY HUMAN IMMUNODEFICIENCY VIRUS INFECTION

(By Robert R. Redfield, M.D., Deborah L. Birx, M.D., Nzeera Ketter, M.D., Edmund Tramont, M.D., Victoria Polonis, Ph.D., Charles Davis, M.D., John F. Brundage, M.D., Gale Smith, Ph.D., Steven Johnson, M.D., Arnold Fowler, Ph.D., Thomas Wierzba, M.S., Avigdor Shafferman, Ph.D., Franklin Volvovitz, Charles Oster, M.D., Donald S. Burke, M.D., and the Military Medical Consortium for Applied Retroviral Research)

ABSTRACT

Background.—Despite multiple antiviral humoral and cellular immune responses, infection with the human immunodeficiency virus (HIV) results in a progressively debilitating disease. We hypothesized that a more effective immune response could be generated by post-infection vaccination with HIV-specific antigens.

Methods.—We performed a phase I trial of the safety and immunogenicity of a vaccine prepared from molecularly cloned envelope protein, gp160, in 30 volunteer subjects with HIV infection in Walter Reed stage 1 or 2. The vaccine was administered either on days 0, 30, and 120 or on days 0, 30, 60, 120, 150, and 180. HIV-specific humoral and cellular im-

mune responses were measured; local and systemic reactions to vaccination, including general measures of immune function, were monitored.

Results.—In 19 of the 30 subjects both humoral and cellular immunity to HIV envelope proteins increased in response to vaccination with gp160. Seroconversion to selected envelope epitopes was observed, as were new T-cell proliferative responses to gp160. Response was associated with the CD4 cell count determined before vaccination (13 of 16 subjects [81 percent] with >600 cells per milliliter responded, as compared with 6 of 14 [43 percent] with ≤600 cells per milliliter; P = 0.07) and with the number of injections administered (87 percent of subjects randomly assigned to receive six injections responded, as compared with 40 percent of those assigned to three injections; P = 0.02). Local reactions at the site of injection were mild. There were no adverse systemic reactions, including diminution of general in vitro or in vivo cellular immune function. After 10 months of follow-up, the mean CD4 count had not decreased in the 19 subjects who responded, but it had decreased by 7.3 percent in the 11 who did not respond.

Infection with human immunodeficiency virus type 1 (HIV) causes chronic progressive immunologic dysfunction.[1,2] Although the precise mechanisms of HIV-induced immune defects remain to be elucidated, the development of immunologic dysfunction as a result of HIV infection is well documented.[1-8] Longitudinal studies of HIV-infected cohorts have demonstrated a predictable rate of decline in the CD4 cell count and a relation between the CD4 cell count and survival.[3,4,9-12] Accordingly, HIV infection can be clinically classified into distinct prognostic stages on the basis of increasing degrees of immunologic dysfunction.[13]

Conclusions.—This gp160 vaccine is safe and immunogenic in volunteer patients with early HIV infection. Although it is too early to know whether this approach will be clinically useful, further scientific and therapeutic evaluation of HIV-specific vaccine therapy is warranted. Similar vaccines may prove to be effective for other chronic infections. (N Engl J Med 1991; 324: 1677–84.)

Immune responses to HIV antigens are elicited during natural infection, and these may be important in regulating viral replication. Both humoral mechanisms (i.e., neutralization antibody, viral-receptor—blocking antibody, and antibody-dependent cytotoxicity) and cellular mechanisms (i.e., natural-killer-cell activity, HIV antigen—specific T-cell proliferative responses, and cytotoxic T-cell responses) have been reported.[14-26] Yet, despite these immune responses, HIV infection results in a progressive, debilitating disease of the immune system. The burden of HIV in vivo has been shown to increase in the later stages of infection[21-23]; some investigators have deduced that this is a consequence of viral-directed events such as changes in viral regulatory proteins or changes in viral cytopathogenicity.[24,25]

An alternative hypothesis is that both the prolonged clinical course of HIV infection and the progressive increase in the expression of HIV in vivo in the late stages of disease may be direct consequences of the effectiveness of the immune response to HIV in its early stages.[26-28] In short, as the antiviral immunity gradually weakens, poor control of in vivo viral replication results.[28] To test this hypothesis, we explored the possibility of augmenting HIV-specific immunity in infected persons by active immunization with an HIV-protein product, gp160. This product has recently been shown to be safe and immunogenic in healthy adults without HIV infection.[29] The objective of the present phase I trial was to evaluate the safety and immunogenicity of active immunization with recombinant gp160 in volunteers with early HIV infection and to determine the feasibility of using this intervention to modify the immune response to HIV in subjects with chronic infection.

METHODS

A more detailed description of our methods is available from the National Auxiliary Publications Service.*

Selection of Subjects

Thirty volunteer subjects with HIV infection were recruited from among Department of Defense health care beneficiaries. The nature of the trial was explained in detail to each subject, and written informed consent was obtained. Only seropositive patients in an early stage of HIV infection, defined as Walter Reed stage 1 or 2 (a CD4 cell count of not less than 400 per milliliter for more than three months, with or without lymphadenopathy),[13] were eligible for enrollment. The subjects also had to be between 18 and 50 years old, have a normal complete blood count, have no evidence of end-organ disease, have not abused alcohol or drugs over the preceding 12 months, and have not received antiretroviral or immunomodulatory drugs. All the subjects underwent a two-month base-line evaluation before randomization. None received any antiretroviral or immunomodulatory drug during the trial.

Vaccine Product and Immunization Schedule

The test vaccine was a noninfectious subunit glycoprotein derived from human T-cell lymphotropic virus Type III, gp160 VaxSyn HIV-1, MicroGeneSys, Meriden, Conn.), a baculovirus-expressed recombinant protein produced in the cells of lepidopteran insects, biochemically purified, and adsorbed to aluminum phosphate for final formulation.[29] Three doses of gp160 were used: 40, 160, and 640 μg. Both the 40-μg and 160-μg doses were injected in a volume of 1 ml; the 640-μg dose was given as 320 μg per milliliter in a volume of 2 ml.

The 30 subjects were assigned to six vaccination groups of 5 subjects each. Two immunization schedules were investigated: schedule A, with vaccination on days 0, 30, and 120, and scheudle B, with vaccination on days 0, 30, 60, 120, 150, and 180. Three of the six groups received different doses of vaccine accoding to schedule A, and the other three groups received different doses according to schedule B (Table 1). All vaccinations were administered by intramuscular injections into the deltoid muscle. The duration of the trial was 10 months—i.e., a 2-month base-line evaluation and an 8-month follow-up evaluation after the initial vaccination.

Assessment of Safety

Each subject was interviewed and examined on days 0, 1, 2, 3, 15, and 30 after each injection. They were asked whether they had had fever, chills, nausea, vomiting, arthralgia, myalgia, malaise, urticaria, wheezing, dizziness, or headache and were examined for local reactions at the site of injection, including erythema, swelling, itching, pain and tenderness, skin discoloration, skin breakdown, any change in regional lymphadenopathy, any change in the function of the extremity into which the vaccine had been injected, and the formation of any subcutaneous nodules at the site of injection. The complete blood count, serum biochemical determinations, coagulation-profile assessment, and urinalysis were performed monthly.

In vitro cellular immune function was assessed by determining the T-cell phenotype (total-lymphoycite, GD4 cell, and CD8 cell phenotypes)[30,31] and the T-cell proliferative response to mitogens (pokeweed and concavalin A) and control antigens (*Candida albicans* and tetanus).[31] In vitro cellular immune function was assessed by skin testing for delayed hypersensitivity to control antigens (mumps, tetanus toxoids, *C. albicans*, and trichophyton).

Quantitative viral culture of peripheral-blood mononuclear cells and plasma,[22] DNA polymerase-chain-reaction testing,[32] and measurements of serum p24 antigen levels were performed to monitor the HIV viral load in vivo.

Assessment of Immunogenicity

Antibodies directed against whole HIV proteins were measured with both recombinant viral gene products gp160, p66, and p24 (MicroGeneSys) and whole viral lysate of prototype HIV strain MN by dot blotting and Western blotting techniques.[33] Antibody responses to specific envelope epitopes were also measured (Table 2).

Neutralization activity was measured against three prototype HIV isolates (IIIB, RF, and MN) in a syncytium inhibition assay.[47] HIV-specific cellural responses were measured by standard lymphocyte-proliferation-essay techniques with use of gp160, p24, and baculoviral-expression-system control protein.[31] A detailed description of the methods of assessing safety and immunogenicity is available elsewhere.*

Definition of Response

The subjects were classified as responding to vaccination if they had a reproducible selective increase in both a cellular and a humoral immune response against HIV envelope-specific epitopes that was temporally associated with the series of vaccinations. Vaccine-induced humoral immunity was indicated by seroconversion to HIV envelope-specific epitopes, a secondary booster immune response to envelope-specific epitopes, or both. Vaccine-induced cellular immunity was indicated by the development of a new, reproducible, temporally associated proliferative response to gp160.

Subjects with neither a humoral nor a cellural proliferative response, or only a humoral or only a cellular proliferative response, to gp160 epitopes or HIV envelope epitopes were classified as not having resonded to the vaccination.

TABLE 1—IMMUNIZATION SCHEDULE

Schedule and group no.	Study day					
	0	30	60	120	150	180
μg of gp 160/ml						
Schedule A:						
1	40	40	.....	40	.....	.....
3	160	160	.....	160	.....	
5	640	640	.....	640	.....	
Schedule B:						
2	40	40	40	160	160	160
4	160	160	160	640	640	640

Footnotes at end of article.

*See NAPS document no. 04868 for eight pages of supplementary material. Order from NAPS c/o Microfiche Publications, P.O. Box 3513, Grand Central Station, New York, NY 10163-3513. Remit in advance (in U.S. funds only) $7.75 for photocopies or $4 for microfiche. Outside the U.S. and Canada add postage of $4.50 ($1.50 for microfiche postage). There is an invoicing charge of $15 on orders not prepaid. This charge includes purchase order.

TABLE 1—IMMUNIZATION SCHEDULE—Continued

Schedule and group no.	Study day					
	0	30	60	120	150	180
6	640	640	640	640	640	640

Statistical Analysis

Proportions were compared by Fisher's exact test (two-sided). Changes in cellular immune responses were summarized as the magnitude of changes (fold change) in the lymphocyte-stimulation index. The fold change for each subject was calculated by dividing the mean of the values for the index that were measured after the last vaccination by the mean of the values for the index at base line. Differences between subgroups in cellular immune responses were assessed by comparing the distributions of fold changes by the Wilcoxon rank-sum test. Changes in the number of CD4 T lymphocytes were compared between subgroups of subjects and with the change expected on the basis of experience with the natural history of HIV infection. Comparisons between subgroups were based on the mean of the percent changes in CD4 cell counts at the end of the follow-up period, as compared with the means at base line. At each time point, the number of CD4 T lymphocytes was calculated as the mean of seven values (the median was determined according to the time point).

RESULTS

Demographic and Base-Line Clinical Characteristics

Twenty-six of the 30 subjects were men, and 4 were women. Fourteen were non-Hispanic whites, 13 were black, and 3 were Hispanic. Their mean age was 29 years (range, 18 to 49). At enrollment 8 subjects had HIV infection in Walter Reed stage 1, and 22 had infection in stage 2. The base-line mean CD4 cell count was 668 per milliliter (range, 388 to 1639). The mean time between initial diagnosis and study entry was 24 months (range, 3 to 49).

Vaccine-Induced Humoral Responses

All 30 subjects completed the 340-day trial. Nineteen (63 percent) had a vaccine-induced augmentation of both HIV gp160-specific humoral and cellular immune responses and thus were classified as "vaccine responders." Of the 11 subjects classified as "nonresponders," 4 had only a humoral or a cellular immune response and 7 had no detectable response; all 7 without a response had received only three doses of vaccine (schedule A). No subject had changes in antibody binding to HIV polymerase (p66) or structural (p26) gene products or to the non-HIV control antigen tetanus. No antibody to the baculoviral lepidopteran-cell control protein developed in any subject.

Increases in the level of envelope antibody (gp160) were detected in 13 subjects on Western blotting with the whole-virus lysate HIV-MN. These changes were related to the immunization schedule. Three of 15 subjects (20 percent) assigned to schedule A and 10 of 15 (67 percent) assigned to schedule B had an increase in the level of antibody to envelope proteins (P=0.025 by Fisher's exact test, two-tailed). All 13 subjects also seroconverted to specific envelope epitopes. Conversely, of the 10 subjects who did not sero-convert to any envelope-specific epitope, none had an increase in envelope-antibody levels on Western blotting. The remaining seven subjects who seroconverted to specific envelope epitopes had no change in whole-virus envelope antibody on Western blotting. No changes in antibody directed against non-HIV envelope proteins were observed in any subject.

Fourteen of 15 subjects (93 percent) assigned to schedule B (six doses) had an increase in total gp160 antibody, as opposed to only 7 of 15 (47 percent) assigned to schedule A (three doses) (P=0.01 by Fisher's exact test, two-tailed) (Table 2). The range of the prevalence of 11 of the 12 gp160-specific epitopes selected for study (Table 2), from before to after vaccination, was as follows: epitope 49, 27 to 70 percent; epitope 88, 28 to 52 percent; epitope 106, 50 to 87 percent; epitope 241, 0 to 14 percent; epitope 254, 0 to 13 percent epitope 300, 47 to 77 percent; epitope 308, 42 to 69 percent; epitope 342, 0 to 27 percent; epitope 422, 3 to 10 percent; epitope 448C, 73 to 87 percent; and epitope 735, 17 to 33 percent (Fig. 1). Vaccine-induced seroconversion was noted to all the specific epitopes, except epitope 582 (Table 2). Antibodies (seroconversion) directed against epitopes 241, 254, and 342 were detected only after vaccination (Table 2).

Secondary immune responses to epitopes 88, 106, 300, 308, 448C, and 582 were elicited (Table 2). The prevalence of antibody directed against epitope 582 was 100 percent before vaccination, and only one subject (3 percent) had a secondary immune response.

The pattern of vaccine-induced HIV antibody to envelope epitopes was variable (Table 2). Primary antibody responses (seroconversion) to at least one epitope occurred in 20 subjects—14 of 15 assigned to schedule B and 6 of 15 assigned to schedule A (P=0.005 by Fisher's exact test, two-tailed). Furthermore, of all the epitopes studied, subjects assigned to schedule A serconverted to only 15 of 110 (14 percent) of the potential epitopes to which they had no antibodies before vaccination, whereas subjects assigned to schedule B seroconverted to 60 of 129 potential epitopes (47 percent) (P<0.0001 by Fisher's exact test, two-tailed). Seroconversion to three or more envelope epitopes occurred in 9 subjects (60 percent) assigned to schedule B but in only 2 (13 percent) of those assigned to schedule A (P=0.02 by Fisher's exact test, two-tailed).

[Charts and table 2 are not reproducible in this article for the Record.]

Serum neutralization activity against three distinct strains (HIV-IIB, HIV-MN, and HIV-RF) was determined on days 0, 90, and 195 in seven subjects. Four of five responders had increasing neutralizing activity to one or more isolates, as compared with neither of two nonresponders. Furthermore, the responders as a group, unlike the nonresponders, had an increase in the percentage of inhibition at a given dilution of serum required to inhibit syncytium formation against each prototype isolate tested.

Vaccine-induced Cellular Responses

In 21 of 30 subjects (70 percent), a new T-cell proliferative response to gp160 developed after vaccination (Table 2). Figure 2 shows the time course of proliferative responses to gp160, p24, and a baculovirus control protein in four typical vaccine responders. In all subjects, the gp160-induced proliferation increased, in that the mean lymphocyte-stimulation index rose from 3 at base line to 10 (a value calculated from the mean of four values determined after the last immunization). In contract, no change was noted in the proliferative responses directed against HIV p24 protein or the control baculorvirus protein. Vaccine-induced changes in the mean lymphocyte-stimulation index for all subjects, for subjects grouped according to degree of response, and for subjects grouped according to immunization schedule are shown in Figure 3. The change in proliferative response to gp160 in the vaccine responders was significantly different from that in the nonresponders (P<0.001 by Wilcoxon test, onetailed). The proliferative responses induced by the six injections of gp160 according to schedule B were greater than those induced by the three injections according to schedule A (Fig. 3) (P<0.10 by Wilcoxon test, one-tailed).

Nineteen of the 21 subjects who had proliferative responses to gp160 also had a humoral response (the 19 responders). The maximal mean lymphocyte-stimulation index observed among all 19 responders in response to gp160 was 50.1. However, in each responder the index was variable (range of peak values, 3 to 171) (Table 2), as was the temporal relation between vaccination and the magnitude and duration of the cellular responses to gp160 (Fig. 2).

Predictors of Immune Responsiveness

Despite the limited size of the sample in this trial, several factors were demonstrated to be associated with vaccine-induced immunogenicity. Six of 15 (40 percent) of the subjects assigned to schedule A responded, as compared with 13 of 15 (87 percent) of those assigned to schedule B (P = 0.02 by Fisher's exact test, two-tailed) (Table 2). Of the 16 subjects with a mean base-line CD4 count greater than 600 per milliliter, 13 (81 percent) were responders, as opposed to 6 of 14 (43 percent) whose mean CD4 count at entry was 600 or fewer cells per milliliter (P = 0.07 by Fisher's exact test, two-tailed). Multiple immunizations improved immunogenicity, even among patients with base-line CD4 counts of 600 or fewer cells per milliliter; five of six subjects with such counts assigned to schedule B (six injections) were responders, as compared with only one of eight assigned to schedule A (three injections) (P = 0.03 by Fisher's exact test, two-tailed; Table 3).

Toxicity

No evidence of systemic toxicity was observed, but local reactions were noted in 87 percent of the subjects (13 in each vaccination group). These reactions included induration, tenderness, and transient subcutaneous nodule formation at the injection site; an increase in regional adenopathy was rarely noted. No subject refused a booster injection. No difference in the frequency of local reactions was observed in relation to primary immunization, booster injection, or vaccine dosage.

No evidence of an adverse effect on the immune system was demonstrated, as measured in vitro by mitogen-specific and antigen-specific proliferative responses, in vivo by responses to delayed-hypersensitivity skin testing, or by acceleration of quantitative CD4 cell depletion. At base line the mean CD4 cell count was 716 in the responders and 605 in the nonresponders; from study day 180 to day 240 the mean count was 714 and 561, respectively. During the course of the 240-day trial, the net change in the mean CD4 cell count among the responders was a decrease of 0.2 percent, whereas among the nonresponders it was a decrease of 7.3 percent (Fig. 4). Vaccine-induced immunogenicity to HIV was not associated with evidence of an accelerated decline in the CD4 count of any subject throughout the entire course of the trial.

TABLE 3.—IMMUNE RESPONSIVENESS TO VACCINATION, ACCORDING TO IMMUNIZATION SCHEDULE AND BASE-LINE CD4 COUNT.

Schedule and CD4 count	All subjects number	Responders		Nonresponders	
		Number	Percent	Number	Percent
Schedule A:					
>600	7	5	71	2	29
500–600	5	1	20	4	80
<500	3	0	.....	3	100
Subtotal	15	6	40	9	60
Schedule B:					
>600	9	8	89	1	11
500–600	2	2	100	0	.....
<500	4	3	75	1	25
Subtotal	15	13	87	2	13
Total	30	19	63	11	37

To assess the possibility of increased HIV replication and viral load in the subjects as a consequence of vaccination, in vivo viral activity was measured by quantitative cultures of the virus in plasma and peripheral-blood mononuclear cells, by the polymerase-chain-reaction testing of DNA from peripheral-blood mononuclear cells, and as serum levels of p24 antigen. Assay by quantitative culture and the polymerase chain reaction demonstrated no changes during this trial. Serum p24 antigen was undetectable in all subjects.

DISCUSSION

The therapeutic use of vaccines was introduced by Pasteur in the 19th century for the treatment of acute rabies infection, but the value of this approach in the treatment of other infections has not been extensively explored. Although there are other examples of postinfection modification of viral-specific immunity (for example, after exposure to hepatitis A or B), there are no well-documented studies in humans that have demonstrated the feasibility of this approach in the setting of an established or chronic viral infection. Even in animals the only suggestion that such an approach is feasible is limited to a single investigation of herpes simplex in guinea pigs.[48]

The present study demonstrates the feasibility of virus-specific immune modification by active immunization after infection. Specifically, a gp160 vaccine derived from an HIV envelope gene augmented host-directed viral-specific humoral and cellular responses in 19 of 30 persons with early HIV infection. The definition of vaccination response that we chose—i.e., the requirement that a response be both humoral and cellular—was arbitrary but highly restrictive in the light of the scientific objective of this trial to assess the feasibility of postinfection immunization, and in the absence of support for this concept in studies of other chronic viral infections.

By qualitative and quantitative measurement of distinct antibody responses to specific HIV epitopes in natural infection as opposed to postinfection immunization, vaccine-induced humoral immunogenicity in already infected persons wad documented in 70 percent of the subjects. Although gross analysis of whole viral proteins by the Western blotting technique was helpful, characterization of humoral response by mapping of distinct epitopes proved to be a more sensitive method of assessing immunogenicity. Seroconversion to specific envelope epitopes occurred in 20 subjects (19 vaccine responders and 1 nonresponder) (Table 2). In addition, seroconversion associated only with vaccination (conversion to epitopes 241, 254, and 342) occurred in 10 subjects. This variation in humoral responses to the gp160 vaccine, as characterized by epitope mapping, will permit prospective cause-and-effect analysis of specific antibody responses and presents unique opportunities to characterize potential immunoregulatory mechanisms not elicited during a natural infection.

Although the relevance of serum neutralizing activity in vivo is unknown at present, the observation of increased neutralizing activity against disparate strains of HIV (IIIB, RF, and MN) in four of five responders suggests that postinfection immunization induced changes in functional antibody. This vaccine-induced increase in serum neutralization capacity against distinct strains of HIV will potentially aid in the definition of group-specific neutralization epitopes.

A proliferative response to HIV envelope proteins rarely occurs in natural HIV infection (data not shown). After immunization with gp160, however, specific T-cell proliferative responses were documented in 21 (70 percent) of the subjects. The reason for this difference is unclear. One possibility is that the new proliferative response may be directed against an envelope epitope (or epitopes) unique to the vaccine (as a result of the methods of vaccine production or antigen processing in vivo). Alternatively, the protein used in the proliferation assay may not stimulate primary T-cell proliferative responses against homologous wild-type envelopes of natural virus. We have recently obtained additional evidence that vaccination may boost the host cellular immune response: in selected responders to vaccination, HIV-IIIB type—specific cytotoxic T-cell responses were induced after booster immunization (data not shown).

The factors responsible for immunoresponsiveness to vaccination in HIV-infected persons remain to be clarified. Even in early HIV infection, individual patients respond suboptimally to a variety of vaccines, as compared with matched controls.[49] This hyporesponsiveness has been related to early B-cell dysregulation and T-cell dysfunction.[31 50] In the present trial, immunoresponsiveness to vaccination was associated with the base-line CD4 cell count, a finding consistent with the hypothesis that the immunologic status of a host is an important determinant of responsiveness. However, the immunization schedule within specific T-cell-count intervals (Table 3) also influenced responsiveness: schedule B (six injections) was superior. Indeed, the decreased response observed in the subjects with lower CD4 cell counts could be improved by an increased number of vaccinations, which suggests that further modifications in the dosage, regimen, adjuvant treatments, or formulation may improve host immunoresponsiveness.

Although questions have been raised about the safety of active immunization of HIV-infected persons with HIV-specific vaccine products,[51] there was no evidence of immune-specific toxicity. Quantitative cultures, DNA polymerase-chain-reaction assays, and serum antigen assays did not document any evidence of increased HIV load in vivo. Moreover, an excellent in vivo surrogate marker of HIV replication—the rate of decline in the CD4 cell count—was favorably influenced among the subjects, especially those classified as responders, in whom the decrease in the mean CD4 count was 0.2 percent, as compared with 7.3 percent in nonresponders. These data demonstrate that postinfection immune responsiveness was not associated with an increase in CD4 cell destruction, but perhaps rather with decreased replication of HIV in vivo. A more direct measurement of in vivo active expression of virus—RNA-transcript analysis—is under development.[52]

An open, unblinded, phase I trial is not designed to provide conclusive information about therapeutic efficacy. Thus, the ability to respond to gp160 with either a primary or a secondary immune response may have been restricted to a subgroup of patients who had less severe B-cell or T-cell dysfunction. The difference observed between the base-line mean CD4 counts of responders and those of nonresponders (716 and 605 cells per milliliter, respectively) and the overall poor response of subjects with CD4 counts of 600 cells or fewer per milliliter at entry support this possibility. However, because of the grim prognosis of patients with this infection, we believe it was important to explore potential clinical benefits. Thus, we retrospectively compared changes in the subjects' mean CD4 cell counts according to treatment group (vaccination schedules) with expected changes observed during untreated infections, using a data base on the natural history of HIV infection in a cohort of patients from the U.S. Army. Ten patients from this cohort were matched for age, ethnic group, and base-line CD4 cell count with each subject. The mean CD4 count decreased by 8.7 percent in this historical reference group, decreased by 7.2 percent in subjects assigned to schedule A, and increased by 0.6 percent in subjects assigned to schedule B. Although preliminary, these results are encouraging. Direct evidence of therapeutic benefit must await the completion of phase II studies of clinical efficacy.

In the light of these results, the scientific and therapeutic importance of HIV-specific immunization warrants further investigation. Postinfection vaccination should serve as a powerful tool to further the understanding of HIV immunoregulation and, if proved clinically relevant, would provide an alternative strategy for treatment. This approach may also prove useful in defining a protective immune response (or responses) relevant to the prophylactic use of vaccines.

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From the Department of Retroviral Research (R.R.R., D.L.B., V.P.) and the Divi-

sion of Retrovirology (D.S.B.), Walter Reed Army Institute of Research (E.T.), Rockville, Md.; the Division of Preventive Medicine, Walter Reed Army Institute of Research, Washington, D.C. (J.F.B.); the Infectious Disease Service, Department of Medicine, Walter Reed Army Medical Center, Washington, D.C. (C.D., S.J., C.O.); the Henry M. Jackson Foundation for the Advancement of Military Medicine, Rockville, Md. (N.K., T.W.); SRA Technologies, Inc., Rockville, Md. (A.F.); the Department of Biochemistry, Israel Institute of Biological Research, Ness-Ziona, Israel (A.S.); and MicroGeneSys, Inc., Meriden, Conn. (G.S., F.V.). Address reprint requests to Dr. Redfield at the Department of Retroviral Research, Walter Reed Army Institute of Research, 13 Taft Ct., Rockville, MD 20850.

The opinions or assertions contained herein are the private views of the authors and are not to be construed as official or as reflecting the views of the Department of the Army or the Department of Defense.

EDITORIAL OPPOSING SECRET TRIALS

Mr. CRANSTON. Mr. President, the Senate will very shortly proceed to consideration of the crime bill. One of the proposals included in the administration's crime bill would create a tribunal which could conduct secret trials and use secret evidence leading to the deportation of resident aliens.

Mr. President, our entire judicial system is predicated on the ability of the accused to know what evidence has been charged against him, and to have an opportunity to respond to that evidence. To accept the administration's proposal is contrary to our basic constitutional principles.

In today's Washington Post an excellent editorial outlines this troubling legislation. I ask unanimous consent that the editorial be placed in the RECORD.

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

[From the Washington Post, June 19, 1991]

SECRET TRIALS

The Senate is about to consider a terrible proposal that would allow the government to hold secret trials leading to the deportation of certain noncitizens. It will come up as part of an assorted crime package moving to the floor this week. On the agenda are two crime bills, one supported by Sen. Joseph Biden and the Democrats, the other the administration's proposal sponsored by Sen. Strom Thurmond. Because the major features of both bills—the death penalty, habeas corpus revisions and changes in the exclusionary rule—have been considered in both houses recently, the Senate Judiciary Committee held only three perfunctory hearings this year—one on habeas, another on rural crime and a third to hear Attorney General Dick Thornburgh.

Incredibly, no hearings were held on the deportation proposal, which is new this year. Moreover, because the committee didn't even vote on these bills but simply sent both to the floor without recommendation, there is not even a committee report that evaluates this section of the president's bill.

The proposal is directed against aliens the government believes are engaged in "terrorist activity". It applies to all noncitizens, even those who have entered legally, lived here for decades and have children and other close relatives who are citizens. The bill uses a definition of "terrorist activity" that is broad and includes raising money for or urging others to join "terrorist organizations," though it does not define the latter term. That is a political decision left to the government, and presumably it could include groups such as Kurdish nationalists, Afghan rebels, Sikh separatists and the IRA. Spokesmen for the PLO are singled out in the statute as engaging in terrorist activity.

The administration bill would allow the Justice Department to go to a secret court and get an order for a special proceeding to deport such people. Targeted individuals would have no notice of this hearing and no opportunity to attend or be represented. They could be arrested and detained as soon as this petition was filed. At the special proceeding that followed, the government could present secret evidence—outside the presence of the alien and his lawyer—and could even withhold a summary of that evidence from the accused. Theoretically, appeals would be allowed, but again, the evidence used at the trial could be kept under seal and the appeal argued in secret.

Does this sound like a proceeding in an American court? It is a nightmare that could allow the worst kind of injustice. Though not a criminal trial, a deportation hearing involves severe penalties and must afford due process. There is not much that is good in either of the crime bills coming up for consideration—gun control is the exception—but this blueprint for a kangaroo court stands out. It is hard to see how anyone with any respect for the American idea of justice could support it.

COL. WILLIAM K. MERRILL

Mr. SYMMS. Mr. President, I should like to bring to the attention of my distinguished colleagues an Army officer from my State of Idaho, Col. William K. Merrill. Colonel Merrill retires from the Army on June 30. This will be both a sad and joyful day for the Army. Sad because it is losing Colonel Merrill and joyful in celebration of his 40 years of outstanding service.

During the last 25 years, Bill Merrill has been assigned to Army headquarters in Washington where he has been Chief of Military Policies and Equal Opportunity to 7 Secretaries of the Army, 10 Assistant Secretaries, and 8 Chiefs of Staff of the Army. He is an institution, and rightly so. In support of our soldier constituents he has often been the haven of last resort for assisting soldiers, and frequently formulated new policies or fine tuned existing policies to personally assist in solving a particular problem. His humanitarian, compassionate, and commonsense approach to personnel problems is renowned both within and outside the Army. It was he who invented the Army's slogan to "Put the person in personnel." He did just that!

In his 40 years of active duty, Colonel Merrill has commanded an antiaircraft battery at Camp Hanford, WA; served as chief of special intelligence teams in Frankfurt and Berlin, Germany; and commanded various activities at Fort Ord, CA, Fort Riley, KS, Fort Bliss, TX, Fort Bragg, NC, Fort Lee, VA, and Fort Leavenworth, KS.

Truly dedicated to his country, he enlisted in the Marine Corps in World War II, leaving his college studies in Idaho "for a duller day" as Robert Service wrote. His Marine Corps service was anything but dull—it took him throughout the Pacific theater of operations and to the Battles of Tarawa, the Gilbert Islands, Saipan, and Iwo Jima. He returned unscathed to college in Idaho, and on obtaining his degree enlisted in the Army for Officer Candidate School. He was subsequently commissioned an officer in the United States Army on May 5, 1951, and later served in Vietnam.

Colonel Merrill has received the Distinguished Service Medal, four awards of the Legion of Merit, the Bronze Star Medal, two awards of the Air Medal, the Army Commendation Medal, and numerous service and campaign awards. Highly decorated for service in war and peace this soldier has been recognized throughout his military career as a giant of a man—physically and spiritually. The Army has been greatly enriched by his selfless, faithful, and outstanding service.

Colonel Merrill may now deservedly rest on his laurels and enjoy the company of his lovely wife, Alice Voskuhl Merrill, and their children, Junja J. Merrill, and Merrille A. Burns. We wish him happiness and success in all his future undertakings. As Idahoans we proudly salute our native son, Col. William K. Merrill.

IN MEMORY OF DR. HOWARD A. SPORCK

Mr. ROCKEFELLER. Mr. President, I rise to take a moment to pay tribute to a very special West Virginian, Dr. Howard A. Sporck, who recently passed away.

Dr. Sporck was a dedicated physician and caring community leader in Wellsburg, WV, for over 45 years. He established a small clinic and served people in Brooke County based on their medical needs rather than their ability to pay. He also worked for the local Brooke County Health Department and served as the county coroner. He cared deeply about the health and well-being of everyone in his community.

At a time when many people think about retiring and enjoying themselves, Dr. Sporck continued to work. He was a tireless advocate for improved community health care, and was proud that his town of Wellsburg was involved in the Bayer Wellness Campaign, a community-wide initiative designed to promote greater awareness of health care and wellness.

In addition to his medical practice, Dr. Sporck also gave of his time and talents to the community in many

other ways. He served on the Brooke County School Board for many years and worked to establish a consolidated high school because he wanted to expand the curriculum and opportunities for local student. Dr. Sporck understood that communities must invest in education and he was willing to become a local leader for such a worthy cause.

Dr. Howard A. Sporck was a generous man who fought throughout his life to make his community a better place. The people of Brooke County were well served by this caring man.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,286th day that Terry Anderson has been held captive in Lebanon.

TRIBUTE TO NANCY HOWE

Mr. LEAHY. Mr. President, the rate at which U.S. wetlands are destroyed is alarming to many of us, including Vermont wildlife artist and duck hunter, Nancy Howe. She is the first woman and Vermonter ever to win top honors in the Federal duck stamp competition. Her design will be used on the 1991-92 Federal Duck Stamp.

The Duck Stamp Program, initiated by the Department of the Interior, helps compensate for the destruction of wetlands and the depletion of wetland wildlife and resources. Revenues from the duck stamps and prints, amounting to over $400 million since the program began in 1934, have been used to preserve almost 4 million acres of prime wetland habitat under the National Refuge System.

In addition to painting, Nancy raises two children and operates a sheep farm with her husband. In a year's time, Nancy holds the honor of winning three major national art awards, including first place in the Federal duck stamp competition. Out of her concern for wildlife, Nancy has promised $5 from each print to wetland preservation.

It is an honor to Nancy and the State of Vermont that her depiction of the King Eiders was chosen to represent the diminishing wetlands in this country and the plight of wetland wildlife.

The Fish and Wildlife Service of the Department of the Interior anticipate the national issuing of the Federal duck stamp on Monday, July 1. In East Dorset, VT, this commemorative day will mark a ceremony in honor of Nancy Howe hosted by the U.S. Post Office.

All of us in Vermont are proud of Nancy Howe.

PREVENTIVE HEALTH CARE SHOULD BE AVAILABLE TO ALL

Mr. HARKIN. Mr. President, today it was announced that Blue Cross/Blue Shield will recommend that its plans, which provide insurance to nearly 100 million Americans, offer periodic preventive and screening services as part of basic coverage for healthy adults. I rise to commend this enlightened decision. This forward-looking initiative incorporates guidelines developed through the leadership of the American College of Physicians and is in keeping with the Surgeon General's goals for disease prevention and health promotion for the year 2000.

The gradual shift from costly, high-technology interventions to commonsense prevention services is a welcome step in the effort to contain the Nation's annual health care bill and to improve the quality of life of all Americans. Today's announcement represents an important philosophical and practical breakthrough which I have been vigorously promoting. Every American should have access to critical preventive health care. Preventive services should be covered under every health plan, public and private, and I call upon other insurance carriers, including Federal programs, to offer and build upon these important services.

Last year a significant preventive benefit, regular screening mammography services for women 65 years or older, was added to the Medicare Program. This will save many women from premature death and disfiguring surgery. The Breast Cancer Screening Act of 1991—S. 508—which I recently introduced, would extend Medicare's coverage of mammography screening to all women age 50 to 64 lacking such coverage. The newly recommended mammography coverage by Blue Cross/Blue Shield would similarly provide this preventive service to healthy female beneficiaries starting at age 50.

While the Blue Cross/Blue Shield prevention initiative is an important and welcome step in the right direction, the journey toward putting prevention first in our health care system has only begun. The recommended preventive services are only recommendations. To be effective the newly authorized preventive services must be accepted by employer health insurance plans as additional benefits for their employees. Those without private insurance need coverage. In addition, physicians and other health care providers must incorporate the recommended preventive services into the routine care of healthy patients and provide the critical education and counseling to make these services meaningful.

The newly recommended preventive services are presently restricted to healthy adults. Preventive services for children or pregnant women have not yet been adopted despite the overwhelming evidence supporting disease prevention and health promotion in these groups. The adverse consequences of inadequate immunization programs, nutrition, and lead screening can no longer be ignored. In addition, adequate attention has been devoted to the prevention of disabilities and injuries, especially in children and persons with disabilities, has yet to be paid. Older Americans also have much to gain through the availability of appropriate prevention services, education, and counseling.

Disease prevention and health promotion must be the centerpiece of any fundamental health care reform. To this end, I have introduced the prevention first legislative package—S. 504-S. 510. Increased support of biomedical and outcome research is part of the solution for expanding the scope of preventable illness and disability. By now putting prevention first among our health care priorities, we will not only save lives and money but also improve the quality of life.

APPOINTMENT ON BEHALF OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101-509, his appointment of Dr. Donald R. McCoy, of Kansas, to the Advisory Committee on the Records of Congress.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL SIGNED

The Acting President pro tempore (Mr. KERREY) announced that on today, June 19, 1991, he had signed the following enrolled bill:

S. 64. An act to authorize appropriations to establish a National Education Commission on Time and Learning and a National Council on Education Standards and Testing, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 19, 1991, he had presented to the President of the United States the following enrolled bill:

S. 64. An act to authorize appropriations to establish a National Education Commission on Time and Learning and a National Coun-

cil on Education Standards and Testing, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 1325: An original bill to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 102-85).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Robert Michael Guttman, of the District of Columbia, to be an Assistant Secretary of Labor.

(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. NUNN, from the Committee on Armed Services:

Donald Jay Yockey, of California, to be Under Secretary of Defense for Acquisition; and

Nancy Patricia Dorn, of Texas, to be an Assistant Secretary of the Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

*Gen. Carl E. Vuono, USA, to be placed on the retired list in the grade of general (Reference No. 287)

*Gen. Gordon R. Sulivan, USA, for appointment as Chief of Staff of the Army and reappointment to the grade of general (Reference No. 288)

*Lt. Gen. Richard G. Graves, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 328)

*Maj. Gen. Horace G. Taylor, USA to be lieutenant general (Reference No. 329)

*Vice Adm. Jimmy Pappas, USN to be placed on the retired list in the grade of vice admiral (Reference No. 330)

**In the Army there is one appointment as permanent professor at the United States Military Academy (Colonel Charles F. Brower IV) (Reference No. 331)

*Vice Adm. Raymond P. Ilg, USN to be placed on the retired list in the grade of vice admiral (Reference No. 337)

*Rear Adm. Kenneth C. Malley, USN to be vice admiral (Reference No. 338)

**In the Army Reserve there are 25 promotions to the grade of colonel and below (list begins with Daniel P. Burns) (Reference No. 348)

**In the Army Reserve there are 20 appointments to the grade of lieutenant colonel (list begins with Michael H. Chema) (Reference No. 349)

*Lt. Gen. Norman H. Smith, USMC, to be placed on the retired list in the grade of lieutenant general (Reference No. 357)

*Lt. Gen. Dennis J. Reimer, USA to be Vice Chief of Staff of the Army and to be General (Reference No. 372)

*Lt. Gen. James E. Thompson, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 373)

*Maj. Gen. J. H. Binford Peay III, USA to be lieutenant general and to be Senior Army Member of the Military Staff Committee of the United Nations (Reference No. 374)

**In the Army there are 10 promotions to the grade of colonel and below (list begins with Larry S. Merck) (Reference No. 377)

**In the Army there are 614 promotions to the grade of colonel (list begins with Thomas L. Abbenante) (Reference No. 378)

**In the Army there are 2,233 promotions to the grade of major (list begins with Daniel F. Abahazy) (Reference No. 379)

**In the Naval Reserve there are 648 promotions to the grade of commander (list begins with Edward L. Abner) (Reference No. 381)

**In the Navy there are 637 promotions to the grade of commander (list begins with Richard John Ackermann) (Reference No. 382)

*Lt. Gen. Thomas N. Griffin, Jr., USA to be placed on the retired list in the grade of lieutenant general (Reference No. 384)

*Maj. Gen. Joseph S. Laposata, USA, to be lieutenant general (Reference No. 386)

**In the Army there are 20 promotions to the grade of colonel (list begins with John D. Altenburg) (Reference No. 395)

**In the Army there are 42 promotions to the grade of major (list begins with Ronny Berry) (Reference No. 396)

Total: 4,263.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 6, May 15, June 3, and June 11, 1991 at the end of the Senate proceedings.)

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 (for himself and Mr. CHAFEE):

S. 1323. A bill to amend the Clean Air Act to require the offset of certain greenhouse gas emissions and for other purposes; to the Committee on Environment and Public Works.

By Mr. METZENBAUM:

S. 1324. A bill to amend the Public Health Service Act to generate accurate data necessary for continued maintenance of food safety and public health standards and to protect employees who report food safety violations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN, from the Select Committee on Intelligence:

S. 1325. An original bill to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; placed on the calendar.

By Mr. BUMPERS (for himself, Mr. AKAKA, Mr. BINGAMAN, and Mr. BURDICK):

S. 1326. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. NUNN, Mr. HOLLINGS, Mr. GORE, Mr. MITCHELL, Mr. WIRTH, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1327. A bill to provide for a coordinated Federal program that will enhance the national security and economic competitiveness of the United States by ensuring continued United States technological leadership in the development and application of national critical technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. HOLLINGS, Mr. NUNN, Mr. GORE, Mr. WIRTH, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1328. A bill to enhance the national security and economic competitiveness of the United States by providing for increased Federal Government support for the development and deployment of advanced manufacturing technology and the training of manufacturing managers and engineers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. GORE, Mr. BINGAMAN, Mr. NUNN, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1329. A bill to strengthen Federal strategy for the development and deployment of critical advanced technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. GORE, Mr. BINGAMAN, Mr. NUNN, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1330. A bill to enhance the productivity, quality, and competitiveness of United States industry through the accelerated development and deployment of advanced manufacturing technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NUNN (for himself, Mr. BINGAMAN, Mr. BYRD, Mr. WARNER, Mr. COATS, Mr. GORE, Mr. THURMOND, Mr. WIRTH, Mr. MCCAIN, Mr. DIXON, Mr. HOLLINGS, Mr. DOMENICI, Mr. HATFIELD, Mr. SMITH, Mr. EXON, Mr. SHELBY, Mr. BUMPERS, Mr. DECONCINI, Mr. GLENN, Mr. LIEBERMAN, Mr. LEVIN, and Mr. KENNEDY):

S. 1331. A bill to require the Secretary of Defense to establish a grant program for the improvement of undergraduate and graduate manufacturing engineering education at institutions of higher education in the United States; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SYMMS, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. WALLOP, Mr. PRESSLER, Mr. SIMPSON, Mr. BOND, Mr. SANFORD, Mr. MCCAIN, and Mr. CHAFEE):

S. 1332. A bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the medicare program; to the Committee on Finance.

By Mr. SASSER (for himself, Mr. JOHNSTON, Mr. HATCH, Mr. DASCHLE, Mr. PRESSLER, Mr. PRYOR, Mr. D'AMATO, Mr. HOLLINGS, and Mr. LEVIN):

S. 1333. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make available for humanitarian relief purposes any nonlethal surplus personal property, and for other purposes; to the Committee on Governmental Affairs.

By Mr. FOWLER:

S. 1334. A bill to provide for the full recovery of the Federal Government's costs of selling timber on national forest lands, to require site-specific identification of national forest lands that are not economically suitable for timber harvesting, to remove that land from the suitable timber base and make associated adjustments in the allowable sale quantity, to assist in the economic transition of timber-dependent communities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (for himself and Mr. PELL):

S.J. Res. 165. A joint resolution to prohibit the proposed sale to the United Arab Emirates of AH-64 APACHE attack helicopters; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. CHAFEE):

S. 1323. A bill to amend the Clean Air Act to require the offset of certain greenhouse gas emissions, and for other purposes; to the Committee on Environment and Public Works.

CO_2 OFFSETS POLICY EFFICIENCY ACT

• Mr. LIEBERMAN. Mr. President, I am pleased to introduce along with my colleague Senator CHAFEE, the Carbon Dioxide Offsets Efficiency Act of 1991, legislation which applies a market based approach to curb the growth of U.S. carbon dioxide emissions that contribute to global warming.

The legislation builds on the cost-effective, economic incentives approach adopted in the acid rain program of the new Clean Air Act, which was strongly endorsed by President Bush. The bill creates market incentives for wide variety of sources to reduce carbon dioxide emissions and receive credit for those reductions. Credits could take a variety of forms, including planting trees, adopting energy efficiency programs, switching to fuels which are less carbon intensive or replacing units with renewable or clean energy sources such as solar, wind, or fuel cells. These credits could be sold or transferred to new plants that will be required to compensate for their new carbon dioxide emissions by acquiring offset credits. Potential offset suppliers and purchasers are left free to determine which of the options are economically attractive; the industry itself will come up with imaginative and cost-effective solutions.

Carbon dioxide is, everyone agrees, a dangerous greenhouse gas. It accounts for 55 percent of the gases that contribute to global warming. The United States, with about 5 percent of the world's population, generates more than 20 percent of all manmade emissions of carbon dioxide.

A recent report by the Congressional Office of Technology concludes that present carbon diozide levels are already higher than an any time in the past 160,000 years. The National Academy of Sciences in its report, "Policy Implications of Global Warming; notes that the atmospheric concentration of carbon dioxide has increased 25 percent during the last century and is currently increasing at about 0.5 percent per year.

There is widespread agreement among scientists that in the absence of dramatic actions, the levels of carbon dioxide will continue to rise dramatically. The International Panel on Climate Change, comprised of scientists from countries around the world, and the U.S. Environmental Protection Agency, have concluded that an immediate 60 to 80 percent reduction in CO_2 emissions is necessary to stabilize concentrations at current levels, in addition to significant reductions in other greenhouse gases.

The testimony of scientific experts clearly indicates that it is time for us to act on this problem. The recent report by the National Academy of Sciences states: "Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now." The OTA report concludes:

> We cannot yet predict the magnitude of climatic effects from greenhouse gas emissions with accuracy. But it is clear that the decision to limit emissions cannot await the time when the full impacts are evident. The lag time between emissions of the gases and their full impact is on the order of decades to centuries; so too is the time needed to reverse any effects. Today's emissions thus commit the planet to changes well into the 21st century.

OTA warns that without any action, carbon dioxide emissions will likely rise 50 percent over 1987 levels in 25 years.

EPA has estimated that carbon dioxide emissions from the utility industry alone could increase by 29 percent by 1995, 50 percent by 2000 and 80 percent by 2005 over 1980 levels if we continue to do business as usual.

Despite these warnings, this administration remains adamantly opposed to any policy for setting specific carbon dioxide emission reduction goals either as part of the international negotiating process. The administration also has not joined other industrialized countries in making unilateral commitments to stabilize or reduce carbon dioxide outside of the United Nations negotiating process. Austria, Australia, Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, New Zealand, Norway, Sweden, and the United Kingdom have all unilaterally adopted carbon dioxide stabilization or reduction goals. The administration's justifications for not committing to specific targets has been that it lacks sufficient information regarding the costs and benefits of such a commitment. To me, the costs and benefits are very clear. The cost is a polluted environment that would destroy our way of living and the benefit is a clean global environment for generations to come. As Prime Minister Brundtland of Norway has stated:

> The importance of climate change may be greater and more drastic than any challenge mankind has faced, with the exception of nuclear war.

The positive news from both the National Academy of Sciences and the Office of Technology Assessment is that there are cost-effective measures which can be taken now to address the growth in carbon dioxide emissions. According to the National Academy of Sciences, the United States could reduce its greenhouse gas emissions by between 10 and 40 percent of current levels at very low cost or net benefit by adopting measures such as building energy efficiency, reforestation, appliance efficiency programs.

The legislation I am introducing today takes a modest step forward on the road toward curbing emissions growth in carbon dioxide from the utility and very large industrial sectors. It proposes a flexible system that would require new electric utility plants, a limited number of other utilities, and large industrial sources to make up for the additional carbon dioxide which will be emitted by their new plants by obtaining carbon dioxide offsets. Specifically, the legislation would require new stationary sources that had the potential to emit at least 100,000 tons of carbon dioxide annually to compensate for their emissions by securing offset reductions. In addition, sources repowered after January 1995, would be considered new sources for the purposes of this program. Existing utility sources that reach 65 years of age also would be subject to the offset requirements, commencing in the year 2005. Few existing U.S. powerplants would be subject to this provision anytime soon because the average age of powerplants is 29 years.

The bill establishes a number of alternatives for the production of carbon dioxide credits that could be used to satisfy the offset requirement. Essentially, the bill uses the forces of the free market to encourage businesses to reduce their emissions of carbon dioxide by giving them credits which they can sell to other businesses that build large sources of CO_2 emissions. The bill credits emission reductions that would not have otherwise occurred but which, for the most part, the National Academy of Sciences has concluded can be done at low cost or net benefit. For example, appliance manufacturers who produce appliances with efficiencies greater than their 1990 efficiency levels would be eligible to apply for credits. This bill would give these manufacturers something valuable to sell and thus give them a powerful incentive to produce these efficient products. Energy efficiency programs would be eligible for credits. Automobile manufacturers whose corporate average fuel economy exceeded the requirements of the law would be eligible for receiving credits. Other sources of offsets include: forest preservation or reforestation; switching to a low carbon fuel, such as natural gas; and replacing fossil fuel generating plants with renewable and clean sources of energy such as wind, solar, and fuel cells.

The bill also takes a comprehensive approach to global warming because reductions in other greenhouse gases can be converted into carbon dioxide equivalent credits. By adopting this strategy, other environmental priorities such as protecting the ozone layer can also be served.

For example, the bill allows credits for programs which capture methane from coalbeds, landfills, or sewage treatment plants. This is an important provision because methane is one of the most potent contributors to global warming. Per molecule, methane is about 25 times more effective in trapping heat than carbon dioxide. Methane concentrations have approximately doubled over the past two centuries and are currently higher than at any time during the last 160,000 years. Without action to reduce emissions, EPA projects that annual worldwide methane emissions will increase by about 10 to 30 percent by the year 2025. Landfill emissions around the world account for 5 to 18 percent of all methane emissions.

The amount of credits allowed for both methane capture programs and reductions in other greenhouse gases will take into account the differential radiative activity and atmospheric lifetime of these pollutants as compared to carbon dioxide.

The mechanics of the offset program are straightforward. The bill requires new sources to acquire, as a condition of receiving an operating permit, sufficient carbon dioxide credits to compensate for the expected carbon dioxide emissions in the first year of operation. Every year thereafter, the unit would be required to deposit with EPA sufficient carbon dioxide credits to match their annual carbon dioxide emissions.

To facilitate market development and ease the burden of new sources in finding sufficient credits, EPA would be required to establish a national carbon dioxide offset bank. In addition, EPA would establish regulations governing the certification of carbon dioxide credits for those sources seeking to supply the credits. EPA must also establish guidelines for State agencies to assume responsibility for the certification programs. States developing programs in conformity with these guidelines would assume responsibility for certifying CO_2 credits from sources within the State. In this case, EPA would reserve the right to review within 90 days any certification made under a State program prior to the deposit of those credits into the National Offset Bank.

Mr. President, some utilities already have committed themselves to programs either equivalent to or more stringent than this legislation. Applied Energy Services which has one facility in Connecticut and is constructing another, has adopted as corporate policy the offsetting of all new CO_2 emissions from their projects. AES already has put this policy into effect by planting trees in a Guatemala forest to offset CO_2 emissions from one of its plants in Connecticut.

The president and chief executive of Arizona Public Service Co., Mark DeMichele, who serves as chairman of the Edison Electric Institute's Steering Committee on Global Climate Change has written to Congressman COOPER, the chief House sponsor of this legislation: "While I cannot speak for the entire electric utility industry, in concept, I wholeheartedly support the proposed legislation."

Last month, Mayor Bradley of Los Angeles announced that the Los Angeles Department of Water Power and the Southern California Edison Co., had pledged to reduce carbon dioxide emissions by 20 percent by the year 2010 with at least half of those reductions to be achieved by the year 2000. According to the mayor, this program would actually reduce carbon dioxide emissions by more than 40 percent when compared with the projected levels.

In announcing this commitment, the chairman of Southern California Edison stated:

> Taking prudent, reasonable economical steps to reduce CO_2 emissions is warranted by current scientific understanding of the potential for global warming. Our actions are consistent with the recent policy recommendations of the National Academy of Sciences and we believe they make good environmental, scientific and business sense.

Mr. President, that statement sums up the fundamental basis for this legislation: we can take reasonable, economical steps to curb the growth of CO_2 emissions.

I ask unanimous consent that the full text of the legislation and a section-by-section analysis be printed in the RECORD.

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

S. 1323

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 "CO_2 Offsets Policy Efficiency Act of 1991."

SEC. 2. FINDINGS.

The Congress finds that:

(1) The United States has 5 percent of the world's population and yet consumes more than 20 percent of the world's fossil fuels and emits more than 20 percent of the world's CO_2 derived from the combustion of fossil fuels.

(2) The United States consumes fossil fuels on a per capita basis at four times the worldwide average and more than twice the per capita average in many other highly industrialized countries.

(3) High rates of energy consumption in the United States contribute to urban smog, acid rain, oil spills, and other environmental pollution problems.

(4) Creating administrative mechanisms which require fossil fuel users to take account of the environmental consequences of their actions will balance the continued use of these critical energy resources with reductions in the environmental damages that they cause.

(5) Administrative mechanisms that facilitate CO_2 offset transactions will create incentives for technological innovation reducing further society's energy and environmental costs.

(6) By providing incentives for energy users to use energy more efficiently, the United States can improve its economic productivity, enhance its international competitiveness, reduce its trade deficit and reduce its dependence on foreign oil.

(7) Establishing a CO_2 offsets policy would encourage electric utilities to consider their emissions of CO_2 when making futue demand and supply-side decisions to meet their future capacity requirements.

(8) A Federal policy to take advantage of opportunities to offset greenhouse gas emissions would ensure that the United States can reduce its emissions of greenhouse gases while continuing to utilize coal, its most abundant domestic energy resource, which is essential to the Nation's long-range energy, economic, and national security.

(9) A Federal CO_2 offset policy offers the opportunity for the United States to begin to address the global climate change with the least-cost, market-based strategy which allows every industry the flexibility to choose the technology and displacement methods most appropriate for its individual circumstance.

SEC. 3. CONTROL OF GREENHOUSE GASES.

The Clean Air Act is amended by adding the following new title at the end thereof:

TITLE VII—CONTROL OF GREENHOUSE GASES

"SEC. 701. DEFINITIONS.

"As used in this title—

"(1) The term 'major CO_2 source' means any stationary source of CO_2 which emits or

has the potential to emit 100,000 tons or more per year of CO_2.

"(2) The term 'new major CO_2 source' means any major CO_2 source the construction or modification of which commences on or after a date eighteen months after the enactment of this title.

"(3) The term 'commence', 'modification' and 'construction' shall have the same meaning as such terms have when used in section 111, except that the term 'modification' shall also include any major CO_2 source which is repowered on or after January 1, 1995 or any existing utility CO_2 source which, on or after January 1, 2005, will have been in operation for a period of not less than 65 years.

"(4) The term 'permitting authority' means the authority established under this title to issue operating permits for major CO_2 sources.

"SEC. 702. OFFSET CREDITS REQUIREMENT.

"(a) CO_2 OFFSET REQUIREMENT.—No new major CO_2 source may operate during any period after the date 36 months after the date of enactment of this title unless the owner or operator of the source has obtained, and is in compliance with, a permit issued under this title. Such permit shall require the owner or operator to demonstrate to the permitting authority possession of certified CO_2 credits equal to the CO_2 emissions expected to occur between the commencement of operations of the source and December 31 of the year in which operations begin. The permit shall, for each subsequent calendar year, require the owner or operator to deposit by December 31 of such year sufficient certified CO_2 credits into the National CO_2 Offset Bank established under section 705 to compensate for that year's CO_2 emissions. All new major CO_2 sources shall obtain certified CO_2 credits only in the manner described in section 703.

"(b) TREES.—A new major CO_2 source that uses as a fuel trees that are replaced through replanting and that have not been grown as a CO_2 offset under section 703(b)(2) of this Act is not required to obtain CO_2 credits for the CO_2 emissions from the combustion of such trees.

"(c) VIOLATIONS.—

"(1) EXCESS EMISSIONS PENALTY.—The owner or operator of any new major CO_2 source subject to this title that emits CO_2, as measured pursuant to regulations promulgated under section 704 of this Act, for any calendar year in excess of the CO_2 offset credits the owner or operator deposited for the source for that calendar year shall be liable for the payment of an excess emissions penalty. That penalty shall be calculated on the basis of the number of tons emitted in excess of the source's CO_2 offset credits the owner or operator deposited for the source for that year multiplied by $250. Any such penalty shall be due and payable without demand to the Administrator as provided in regulations to be issued by the Administrator by no later than 18 months after the date of enactment of this title. Any such payment shall be deposited in the United States Treasury pursuant to 31 U.S.C. 3302. Any penalty due and payable under this subsection shall not diminish the liability of the source's owner or operator for any fine, penalty or assessment against the unit for the same violation under any other section of this Act.

"(2) EXCESS EMISSIONS OFFSET.—The owner or operator of any new major CO_2 source that emits CO_2 during any calendar year in excess of the certified CO_2 credits deposited by the source shall be liable to offset the excess emissions by an equal tonnage amount in the following calendar year.

"(3) PENALTY ADJUSTMENT.—The Administrator shall, by regulation, adjust the penalty specified in paragraph (1) for inflation, based on the Consumer Price Index, on the date of enactment of this title and annually thereafter.

"(4) PROHIBITION.—It shall be unlawful for the owner or operator of any new major CO_2 source liable for a penalty and offset under this subsection to fail to pay the penalty under paragrph (1) or to offset excess emissions as required by paragraph (2).

"SEC. 703. CERTIFICATION OF OFFSETS

"(a) EPA REGULATIONS.—The Administrator shall, not later than 18 months after the date of enactment of this title, promulgate regulations establishing procedures for the certification of CO_2 offset credits. Such regulations shall authorize a permitting authority to certify as a CO_2 offset credit any CO_2 reduction if the person providing such reduction or the person purchasing such offset credit establishes to the satisfaction of the permitting authority that such reduction complies with the requirements of regulations under subsection (b). In the event that the permitting authority is a State agency operating under an EPA-approved program in accordance with section 704(b), the Administrator shall retain for the 90-day period following the receipt of such certification the authority to review such State certifications prior to deposit in the National CO_2 Offset Bank established under section 705.

"(b) ELIGIBLE CO_2 OFFSET CREDITS—

"(1) FUEL SWITCHING.—The Administrator shall, not later than 18 months after the date of enactment of this title, promulgate regulations concerning the certification, on an annual basis, of CO_2 emission reductions by sources subject to the requirements of title IV of this Act, to the extent such reductions occur from switching to less carbon intensive fuels following the enactment of this paragraph. Such regulations shall establish procedures for calculating fuel use, in mmBtus, and the number of pounds of CO_2 emitted per mmBtu for the fuel or, in the case of a mix of fuels, the weighted average amount of CO_2 emitted per mmBtu, for the year in which the switch occurs and for the year preceding the switch in fuels. For purposes of determining the CO_2 emitted per mmBtu for each fuel or mix of fuels, such regulations shall take into account the application of technological controls which reduce the amount of CO_2 emitted from the combustion of such fuels. For purposes of this paragraph, the calculation of the number of pounds of CO_2 emitted per mmBtu for the year prior to the year in which the switch occurs shall not exceed the average amount emitted during the five year period preceding the switch in fuels. CO_2 offset credits may be awarded under this paragraph only for reductions measured by (A) calculating the difference between the number of pounds of CO_2 per mmBtu of the fuel or, in the case of a mix of fuels, the weighted average amount of CO_2 per mmBtu, in the year prior to the switch and in the year in which the switch occurs, and (B) multiplying the amount in subparagraph (A) by the total number of mmBtus consumed by the source in the year in which the switch occurs, divided by 2000.

"(2) FORESTS.—The Administrator shall, in consultation with the Secretary of Agriculture and the Secretary of the Interior, promulgate regulations not later than 30 months after the date of enactment of this title establishing regional average annual per acre CO_2 fixation rates by tree species, evaluated over a 100 year period. These rates shall be adjusted, by region, to account differing land productivity and precipitation, and for CO_2 emissions caused by reasonably anticipated loss of tree growth due to fire and other causes. In addition, these regulations should consider and prescribe the conditions under which public lands may be leased for the purpose of producing CO_2 offsets. CO_2 offset credits may be certified, on an annual basis, as follows—

"(A) NEW FORESTS.—Tree growth on lands which have not experienced significant tree growth for the 30 year period prior to 1990 shall be eligible for CO_2 offset credits equal to the applicable regional average annual per acre fixation rate multiplied by the number of acres planted as offsets, provided that the acres planted as offsets have a recorded easement assigned to the Administrator which ensures that such acreage will not be cut for at least 100 years from the date such acreage is certified as CO_2 offset credits.

"(B) FOREST MANAGEMENT.—Tree growth on lands which have experienced significant tree growth during the 30 year period prior to 1990 shall be eligible for CO_2 offset credits equal to the difference between the average annual per acre fixation rate of the new tree growth and the regional average annual per acre fixation rate of the prior tree growth, multiplied by the number of acres planted for offset credits. Such credits shall be eligible provided that the acres identified as offsets have a recorded easement assigned to the Administrator which ensures that such acreage will not be cut for at least 100 years from the date such acreage is certified as CO_2 offset credits.

"(C) OLD GROWTH FORESTS.—As part of the regulations promulgated under this paragraph, the Administrator shall promulgate sequestration values associated with the preservation of old growth forests. Such forests shall be eligible for total CO_2 offset credits equal to the difference between the average expected sequestration value of such forests and the average expected sequestration value of new forest in the same region during a 100 year period. The average expected sequestration value during a 100 year period shall be determined by adding the expected sequestration values for each year in the 100 year period and dividing by 100. For purposes of the preceding sentence, expected sequestration values shall account for CO_2 emissions from tree loss due to fire and other natural causes. Such credits shall only be eligible if the acres identified as offsets have a recorded easement assigned to the Administrator which ensures that such acreage will not be cut for at least 100 years from the date such acreage is certified as CO_2 offset credits. CO_2 offset credits shall be issued in equal annual increments for the period of the easement.

"(D) EASEMENTS.—Easements under this paragraph shall provide, at a minimum, that clear cutting, harvesting or other methods of destruction of trees, bushes, and understory shall be prohibited, except that the Administrator, in consultation with the Secretary of Health and Human Services, may authorize the cutting of individual trees, including the Pacific Yew tree, if the Administrator has determined that cutting such trees will contribute significantly to the protection of human health.

"(E) DEFINITION.—For purposes of this paragraph, the term 'old growth forests' means any significant tract of public or private forest land which can be harvested under Federal, State, or local laws; and

which is referred to as "Old Growth" in the document Interim Definitions for Old-Growth Douglas-Fir and Mixed-Conifer Forests in the Pacific Northwest and California (1986), developed by the Old-Growth Definition Task Force of the Forest Service, United States Department of Agriculture Forest Service, Pacific Northwest Research Station Research Note PNW-447.

"(3) CAFE.—The Administrator shall, in consultation with the Secretary of Energy, promulgate rules not later than 24 months after the date of enactment of this title concerning the certification of CO_2 credits from new vehicle fleet fuel efficiency improvements. CO_2 offset credits may be certified only for corporate average fuel efficiency (CAFE) improvements beyond those actually achieved by the source from sales during 1990 and shall not include efficiency improvements which are banked for future use by the manufacturer under other provisions of federal law. In no event shall CO_2 offset credits be certified for efficiency improvements required by any provision of Federal law. For purposes of this certification, the Administrator shall develop and employ an assessment of the statistical lifetime and use of vehicles proposed for CO_2 offsets. The number of CO_2 offset credits certified shall be based on the normal expected lifetime and use of the vehicles sold.

"(4) APPLIANCE EFFICIENCY.—Not later than 24 months after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall promulgate regulations concerning the certification of CO_2 credits from appliance efficiency improvements. CO_2 offset credits may be issued only for efficiency improvements beyond those actually achieved by the source from sales during 1990. In no event shall CO_2 offset credits be issued for efficiency improvements required by any provisions of Federal law. Such certification procedures shall include adjustments to extra energy efficiency improvements to reflect the national proportion of household electricity derived from fossil fuels. In addition, the number of CO_2 credits certified shall be estimated on the basis of the normal expected lifetime and use of the appliance.

"(5) ENERGY CONSERVATION.—Not later than 24 months after the date of enactment of this title the Administrator, in consultation with the Secretary of Energy, shall promulgate regulations concerning the certification of CO_2 credits for energy conservation investments. Such regulations shall include a list of energy conservation measures eligible for CO_2 credits and shall indicate the amount of CO_2 emissions avoided by and CO_2 credits allowed for each measure. The Administrator shall determine the amount of CO_2 emissions avoided based on the average CO_2 emissions reported under section 821 of the Clean Air Act Amendments of 1990 in the State in which the energy conservation investment was made. The Administrator shall revise the determination in the previous sentence each year to reflect changes in CO_2 emissions reported in subsequent years under section 821 of the Clean Air Act Amendments of 1990. Energy conservation measures which are exclusively informational or educational in nature shall not be eligible for CO_2 credits. Energy conservation measures which increase the efficiency of appliances shall not be eligible for credit under this paragraph. The number of credits granted shall be adjusted by the national proportion of electricity generated by fossil fuels for the region in which the conservation investment is made. The Administrator shall publish and periodically update a listing of approved conservation options and their CO_2 credit yields.

"(6) METHANE RECOVERY.—Not later than 24 months after the date of enactment of this title, the Administration shall promulgate regulations concerning the certification of CO_2 equivalent credits from the capture and use of methane from coalbeds, municipal landfills, wastewater treatment facilities and sewage sludge facilities. The credits certified shall reflect both the differential radiative activity and atmospheric lifetime of methane compared to CO_2 as well as the CO_2 produced as a result of its ultimate combustion. The CO_2 equivalence of methane shall be established in accordance with section 703(c).

"(7) COGENERATION FACILITIES.—Not later than 24 months after the date of enactment of this title, the Administrator shall promulgate regulations concerning the certification of CO_2 credits created by the construction and operation of cogeneration facilities that replace existing industrial boilers or other thermal power not produced by cogeneration, provided that emissions of CO_2 from such cogeneration facilities shall be subject to the offset requirements of section 702. Credits for any given year shall be determined by calculating the following amounts—

(A) the emissions from the boiler being replaced in a baseline year to be determined by the Administrator, expressed in tons of CO_2, multiplied by the total steam output in the year for which credit is to be given and divided by the total steam output of the boiler being replaced in the baseline year,

(B) the kilowatt hours of electricity generated in that year by the cogeneration facility multiplied by the average emissions rate expressed in pounds of CO_2 per kilowatt hour of either the system or utility that the industrial facility bought electricity from in the baseline year, divided by 2000.

(C) the total pounds of CO_2 emitted in that year by the cogeneration facility, divided by 2000.

Certified CO_2 offset credits under this paragraph shall equal the sum of (A) and (B) minus (C).

"(8) CHLOROFLUOROCARBONS (CFCS).—The Administrator shall promulgate regulations not later than 12 months after the date of enactment of this title concerning the certification of CO_2 equivalent credits for the capture and destruction of chlorofluorocarbons (CFCs) in the United States and in other nations. In no event shall the Administrator certify CO_2 equivalent credits for the capture and destruction of CFCs obtained in the United States until the Administrator has determined, pursuant to the review required by section 603(e) of this Act, that alternative systems and products to manufacture and operate appliances without class II substances are commercially available. The CO_2 equivalence of all CFCs shall be established in accordance with section 703(c).

"(9) ALTERNATIVE FUEL VEHICLES.—Within 12 months of the date of enactment of this title, the Administrator shall establish regulations identifying the CO_2 credits for the manufacturer of alternative fuel vehicles which use less carbon intensive fuels than gasoline powered vehicles, as determined by the Administrator. No vehicle may be eligible for credit unless it operates using a single fuel.

"(10) REPLACEMENT AND REPOWERING OF UTILITY SOURCES.—Not later than 24 months after the date of enactment of this title, the Administrator shall promulgate regulations concerning the certification of CO_2 credits for utility sources that achieve more efficient heat rates through the repowering or replacement of an existing unit, including the use of fuel cell technology, provided that emissions of CO_2 from such sources shall be subject to the offset requirements of section 702. Such regulations shall establish criteria to determine the heat rate of the unit, expressed in mmBtus per kilowatt hour, in a baseline year to be determined by the Administrator. Credits for any given year shall be determined as follows—

"(A) if the kilowatt hours generated by the new or repowered unit in that year are greater than or equal to the kilowatt hours generated by the old unit in the baseline year, CO_2 credits shall be determined by calculating the tons of CO_2 emitted in the baseline year and subtracting from that amount the tons of CO_2 determined by multiplying (i) the tons of CO_2 emitted in the baseline year and (ii) the ratio of the heat rate of the new or repowered unit to the heat rate of the old unit in the baseline year.

"(B) if the kilowatt hours generated by the new or repowered unit in that year are less than the kilowatt hours generated in the baseline year, CO_2 credits shall be determined by multiplying (i) the tons of CO_2 emitted by the new or repowered unit in that year and (ii) the ratio of the heat rate of the old unit in the baseline year to the heat rate of the new or repowered unit and subtracting from that product the tons of CO_2 emitted by the new or repowered unit in that year.

"(11) REPLACEMENT OF UTILITY SOURCES WITH RENEWABLE ENERGY SOURCES.—Not later than 24 months after the date of enactment of this title, the Administrator shall promulgate regulations concerning the certification of CO_2 credits for renewable energy sources that replace existing utility sources which emit CO_2. Credits for any given year shall be determined based on the amount of CO_2 emissions from the existing utility source which is replaced. No credits may be certified under this paragraph unless it can be demonstrated that the renewable energy source replaces a specific, identifiable existing utility source. For purposes of this paragraph, the term "renewable energy" means energy derived from biomass, solar, geothermal, wind or fuel cell technology as identified by the Administrator in consultation with the Secretary of Energy. Incidental CO_2 emissions associated with the use of these renewable energy technologies shall be subtracted from any CO_2 offsets credit which may be certified under this paragraph, as determined by the Administrator.

"(12) OTHER CREDIT SOURCES.—In no case shall CO_2 offset sources be limited to those explicitly defined by regulation under this section. Potential offset sources should be allowed to demonstrate to the satisfaction of the Administrator after notice and comment that such sources should be certified according to the intent of this program. The Administrator shall establish a baseline for each source of CO_2 offsets or category of such sources subject to certification requirements under this paragraph. Such baselines shall be set according to the actual performance of such sources or categories of sources during the baseline year specified by the Administrator. Offset sources explicitly credited by regulation shall be allowed to demonstrate to the satisfaction of the Administrator after notice and comment that technical progress or other innovation has improved the efficiency of the CO_2 offset producing process. Except for paragraph (8), regulations promulgated under this subsection shall be construed to apply only to CO_2 offset credits

obtained within the United States unless the Administrator has promulgated regulations to ensure that CO_2 offset credits not obtained within the United States will comply with all the requirements of this title to the same extent as CO_2 offset credits obtained within the United States.

"(13) REPOWERING.—In no case shall certification be granted for a utility shutdown for the purposes of repowering or refurbishing an existing facility.

"(14) EXPEDITED CERTIFICATION.—The Administrator may promulgate regulations under this section providing for expedited certification of CO_2 credits. If such regulations are promulgated, the Administrator shall establish a requirement that, for purposes of section 702, a new major source of CO_2 shall obtain more than one ton of CO_2 offset credits certified pursuant to this paragraph for each ton emitted by such source. In determining the additional CO_2 offset credits required under the preceding sentence, the Administrator shall take into account the additional uncertainties in certification under such expedited procedures compared with certification under the other regulations of this section.

"(15) OTHER AUTHORITY.—

"(A) FEDERAL AUTHORITY.—In no case shall certification be granted for greenhouse gas reductions which are required under any other provision of this Act or other authority of Federal law.

"(B) STATE AUTHORITY.—Nothing in this title shall preclude or deny the right of any State or any political subdivision thereof to disallow the certification of any CO_2 offset credit, if, in the sole discretion of such State or political subdivision, such certification is determined to be inconsistent with the law, regulations or policies of such State or political subdivision. In no event shall a State certify CO_2 offset credits which do not meet the requirements of this section. Not later than 18 months after the date of enactment of this title, the Administrator shall promulgate procedures for States and political subdivisions thereof to identify CO_2 offset credits that will be disallowed. Such regulations shall establish reasonable time limits during which states must make determinations under this paragraph.

"(c) GREENHOUSE GAS CREDITS.—The regulations under subsection (b) shall provide that a reduction in any air pollutant (including methane and N_2O) which the Administrator determines to contribute to global warming may be certified as a CO_2 offset credit if such reduction satisfies the criteria of subsection (b), except that the amount of such credit may be reduced or increased based on radiative differences and atmospheric lifetime to reflect the relative global warming potential of such air pollutants. The Administrator shall consult with the Administrators of the National Oceanic and Atmospheric Administration and the National Aeronautic and Space Administration concerning the determination of CO_2 equivalents for all CFCs regulated by the Montreal Protocol to control substances that deplete Stratospheric Ozone and for all other greenhouse gases including but not limited to N_2O and methane.

"SEC. 704. PERMIT PROGRAMS

"(a) REGULATIONS.—The Administrator shall promulgate within 18 months after the date of the enactment of this title, regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include each of the following:

"(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion the completeness of applications.

"(2) Monitoring and reporting requirements.

"(3) Requirements for adequate personnel and funding to administer the program.

"(4) A requirement that the permitting authority have adequate authority to—

"(A) issue permits and assure compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this title;

"(B) issue permits for a fixed term;

"(C) terminate, modify, or revoke and reissue permits for cause;

"(D) enforce permits, the requirement to obtain a permit, including authority to recover civil penalties for permit violations; and;

"(E) collect the annual CO_2 offsets from affected sources for deposit with the Environmental Protection Agency to facilitate CO_2 credit certification and tracking.

"(5) Adequate, streamlined, and reasonable procedures for expeditiously determining when applications are complete, for processing such applications, for public notice, including offering an opportunity for public comment and a hearing, and for expeditious review of permit actions, including applications, renewals, or revisions, and including an opportunity for judicial review in State court of the final permit action by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review of that action under applicable law.

"(b) SUBMISSION AND APPROVAL.—(1) The Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. Not later than 1 year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program.

"(2) If the Governor does not submit a program as required under paragraph (1) or if the Administrator disapproves a program submitted by the Governor under paragraph (1), in whole or in part, the Administrator shall promulgate, administer, and enforce a program under this title for that State.

"(c) SUSPENSION.—The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may, in such notice, retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this title until they are replaced by a permit issued by a permitting program. Nothing in this subsection should be construed to limit the Administrator's ability to enforce permits issued by a State.

"(d) CONDITIONS.—Each permit issued under this title shall include an enforceable requirement that the permittee submit to the permitting authority, no less often than every 12 months, the results of any required monitoring, and such other conditions as are necessary to assure that the permittee has not emitted CO_2 in excess of the CO_2 emission offset credits held by the permittee.

"(e) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING—Each permit issued under this title shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulation under subsection (b). Any report required to be submitted by a permit issued to a corporation under this title shall be signed by a responsible corporate official, who shall certify its accuracy.

"SEC. 705. NATIONAL CO_2 OFFSET BANK.

"(a) EPA REGULATIONS.—

"(1) NATIONAL CO_2 OFFSET BANK.—With 12 months of enactment of this title, the Administrator shall publish regulations creating a National CO_2 Offset Bank for the purpose of ensuring adequate supplies of CO_2 offsets and to create procedures for the tracking and retirement of used CO_2 credits. At a minimum, these regulations must require the identification of the owners of CO_2 offset credits, their addresses, the tonnages available, and the source of the CO_2 credit. These regulations may require depositors to identify a minimum asking price.

"(2) CO_2 OFFSET CERTIFICATE ISSUANCE.—Upon notification by the owner of a certified offset of a transfer of ownership of the offset, the Administator shall debit the account of the seller in the National Offset Bank and credit the account of the purchaser. The Administrator, if requested by the purchaser, will issue certificates of CO_2 credit equal to the purchase quantity and make such withdrawal from the bank within 60 days of receipt of such request.

"(b) EPA OVERSIGHT.—In exercising its certification review authority under section 703, the Administrator shall act within 90 days to decertify any CO_2 credit submitted for banking in accordance with the generic certification rules promulgated in accordance with section 703.

"(c) PUBLIC LISTING OF CREDITS.—The Administrator shall make available to the public on a continuous basis the contents of the National CO_2 Offset Bank to include but not be limited to the names and addresses of the owners of available CO_2 credits, the associated tonnages, sources of the CO_2 credits, and minimum asking prices if required.

"(d) DEBITS.—Allowances deposited with the Administrator by permitting authorities or permitted sources in compliance with CO_2 offset requirements established in section 702 shall be debited from the accounts of registered certified credit owners listed in the National CO_2 Offset Bank.

SECTION-BY-SECTION ANALYSIS OF THE CARBON DIOXIDE OFFSETS POLICY EFFICIENCY ACT OF 1991

Sec. 1.—The Act may be cited as the CO_2 Offsets Policy Efficiency Act of 1991.

Sec. 2.—Findings.—The Congress finds that the United States has 5 percent of the world's population and yet consumes more than 20 percent of the world's fossil fuels and emits more than 20 percent of the world's carbon dioxide derived from combustion of fossil fuels. A Federal carbon dioxide offset policy offers the opportunity for the United States to begin to address the global climate change with the least-cost, market-based strategy which allows every industry the flexibility to choose the approach to obtaining offsets which is most appropriate for its individual circumstance.

Sec. 3.—Control of Greenhouse Gases.

Requires new stationary sources that have the potential to emit at least 100,000 tons of CO_2 annually to compensate for their CO_2 emissions by securing offsetting greenhouse gas reductions. In addition, sources repowered after January 1, 1995, would be considered new sources subject to offset re-

quirements. Existing utilities would gradually enter the offsets program as they turn 65 years old, but this provision does not commence until 2005.

Requires new sources to acquire, as a condition for receiving an operating permit, sufficient CO_2 credits to compensate for expected CO_2 emissions in the first year of operation. Every year thereafter, the unit would be required to deposit with EPA sufficient CO_2 credits to match their annual CO_2 emissions. The unit's annual CO_2 emissions would be monitored and reported under the CO_2 monitoring requirements of the Clean Air Act of 1990. Units that fail to deposit sufficient CO_2 credits would be subject to a $250 per ton penalty. In addition, the exceedance would have to be compensated by an excess emission offset within the next calendar year.

EPA is required to promulgate regulations governing the certification of CO_2 credits for the supply of sources and guidelines for State agencies to assume responsibility for the certification program. If the permitting authority is an authorized State agency, the Administrator shall retain the right to review the State certification for a period of 90 days following the State certification.

Establishes a number of ways that firms could obtain CO_2 credits for meeting the offset requirements including:

1. Fuel switching.—Fuel conversions by stationary sources to fuels which are less carbon intensive fuels such as natural gas would be granted credits equal to the difference between what CO_2 emissions would have been without the switch and what they are after the switch.

2. Trees.—Planting trees on land that has not been forested for over 30 years and which is not part of a normal reforesting operation can generate CO_2 credits. Improved management practices and the preservation of old growth or ancient forests are also eligible for CO_2 credits. In each of these cases, landowners must sign 100-year easements in order to guarantee that the CO_2 benefits are provided.

3. Cafe.—Automobile manufacturers could obtain offset credits for achieving corporate average fuel efficiency improvements beyond those actually achieved by the manufacturers from sales during 1990 and which are not banked for future use by the manufacturer under other provisions of Federal law.

4. Appliance efficiency.—Appliance manufacturers can obtain credits for achieving efficiencies greater than their 1990 efficiency levels. The number of CO_2 credits certified shall be estimated on the basis of the normal expected lifetime and use of the appliance.

5. Energy efficiency.—Energy efficiency programs would be eligible for CO_2 credits.

6. Methane capture.—Credits are available for capturing methane from coalbeds, municipal landfills, wastewater treatment facilities, and sewage sludge facilities. The credits shall reflect both the differential radiative activity and atmospheric lifetime of methane compared to CO_2.

7. Cogeneration.—Credits are available for replacing an existing industrial boiler with a cogeneration unit; the credits would reflect both the efficiency gain produced by replacing the old boiler and the gain in producing power.

8. CFCs.—Credits would be available for the capture and destruction of chlorofluorocarbons in the United States and worldwide. In the United States, credits are not available until safe alternative chemicals are commercially available.

9. Alternative fuels.—Mobile source fuel switches to less carbon intensive fuels would receive CO_2 credits. For example, compressed natural gas vehicles would receive credits equal to the difference between the current corporate average fuel economy standard in CO_2 terms and the CO_2 produced by the CNG vehicles.

These credits would be computed and awarded to the vehicle manufacturer for the expected lifetime CO_2 emissions reductions from that vehicle.

10. Increased efficiency of plants.—Utility sources which achieve more efficient heat rates through the repowering or replacement of an existing unit can receive credits. These credits would be calculated annually by adjusting the CO_2 emissions from the new facility by the efficiency improvement of the new unit.

11. Renewable resources.—Renewable and clean energy sources, including solar, wind, fuels cell technology can generate credits when they replace existing fossil fueled source.

12. Other credits.—Other credit sources can be identified and developed providing they meet the requirements of EPA's certification program.

The Administrator may promulgate regulations providing for expedited certification of CO_2 credits. If such regulations are promulgated, the Administrator shall establish a requirement that the source shall obtain credits at greater than a 1:1 value.

Credits shall not be granted for reductions which are required under any other provision of Federal law.

States shall have the prerogative of determining whether CO_2 reductions required by State law or regulation should be granted credits.

The regulations promulgated by EPA shall provide that a reduction in a pollutant which contributes to global warming may be certified as a CO_2 offset credit, except that the amount of such credit may be reduced or increased based on radiative difference and atmospheric lifetime to reflect the relative global warming potential of such air pollutants.

EPA must promulgate regulations establishing the minimum elements of a permit program to be administered by a State.

EPA is required to promulgate regulations establishing a National CO_2 Offset Bank to ensure adequate supplies of CO_2 offsets and to create procedures for the tracking and retirement of used CO_2 credits.●

By Mr. METZENBAUM:

S. 1324. A bill to amend the Public Health Service Act to generate accurate data necessary for continued maintenance of food safety and public health standards and to protect employees who report food safety violations, and for other purposes; to the Committee on Labor and Human Resources.

POULTRY CONSUMER PROTECTION ACT

Mr. METZENBAUM. Mr. President, I rise today to introduce the Poultry Consumer Protection Act of 1991. This bill is intended to be a beginning, a first step in what I feel should be a wholesale revision of U.S. poultry regulation.

This bill requires that the Secretary of Health and Human Services complete a detailed study on the sources and levels of bacterial contamination in our food supply, particularly in raw poultry. In addition, the bill would protect poultry industry workers who come forward with information that contributes to the study. This bill will begin to address growing evidence of a food safety crisis in the poultry industry. Eighty percent of raw poultry—or more—has been found contaminated.

I would note parenthetically that there is also a well-documented worker safety crisis in the poultry industry, which I hope to address in the future.

Mr. President, the Department of Agriculture seems to have forgotten the true purpose of food inspection.

I must confess some confusion as to exactly why the mission of food inspection is given to USDA. The Agriculture Department's role is to promote farm sales—and our farmers certainly need all the help they can get these days.

But how can we trust an agency charged with promoting food sales to be tough about food inspection?

Mr. President, in my view, the risk inherent in this conflict of interests has manifested itself in our poultry supply today. The USDA has delegated poultry safety to the poultry industry itself under the innocuous sounding "streamlined inspection system".

How are consumers supposed to trust the word of the poultry industry—whose main job is to sell more chickens?

Mr. President, the streamlined inspection system, or SIS, has made a mockery of the USDA "seal of approval." Today, it is not the Government that guarantees the safety of poultry, but the poultry industry itself. Who elected the poultry industry? To whom are they responsible? To the balance sheet, that's who—not to consumers.

Mr. President, the SIS concept was tried in the beef industry—and it was a flop. In fact, ranchers were so concerned about SIS destroying consumer confidence in the safety of beef that they urged USDA not to expand the SIS—Cattle Pilot Program beyond its experimental phase.

I was pleased that the chairman of the Senate Agriculture Committee, PATRICK LEAHY, joined me in writing to Secretary of Agriculture Edward Madigan, to urge that the SIS—Cattle Pilot Programs not be expanded. It is now my understanding that the SIS—Cattle Program will, indeed, be withdrawn and I ask unanimous consent that a copy of my letter be printed at the conclusion of my remarks. If the SIS concept flopped for beef, why is USDA letting it continue for poultry?

Mr. President, SIS evinces an attitude problem at the USDA. To me it indicates an arrogance about this agency's responsibility to consumers. The SIS program is not simply a case of lax inspection. The SIS concept demonstrates a laissez faire approach to inspection, by the Government, at a time when inspection should be growing

even more intrusive, even more hands on. The unfortunate truth is that no amount of old fashioned, visual inspection will detect the new threat from bacterial contamination. But that is no reason to be trusting visual inspection to poultry producers themselves. The USDA should be stepping up visual inspection while developing new techniques to detect salmonella, campylobacter, and other bacteria. Instead USDA entrusts the old-fashioned inspection program to poultry producers themselves, and tries to tell us that the new problem of bacterial contamination is really no problem at all.

Mr. President, I should note that there has been an on-again, off-again effort by the USDA to develop bacterial testing techniques. The program is called Hazard Analysis and Critical Control Point [HACCP—hay-sip]. Through the HACCP Program, the Department suggests to poultry producers new methods for limiting bacterial contamination.

Suggests? Suggestions don't satisfy me, and they shouldn't satisfy the American consumer. I want real enforcement of real regulations, and I want it now.

The CDC estimates that 4 million Americans annually are sickened by food-borne salmonella bacteria, and 2,000 Americans die from it. The cost in medical bills and lost work time is over $2 billion, according to USDA research. Epidemiologists agree that the single most common way for consumers to come in contact with salmonella today is through raw poultry.

Mr. President, American consumers eat an average of 85 pounds of poultry and poultry products each year—an incredible quantity. This is truly an issue that touches the lives of each and every one of us. Poultry is touted as a low-fat, high protein alternative to other, less-healthy meats. As consumers turn toward poultry to improve their health, I worry that poultry may be turning against consumers.

Mr. President, in any industry, when consumer demand rises sharply, production processes must change in order to meet that new demand. In the past, such changes in production methods have resulted in remarkable improvements in output and efficiency. This is exactly what has happened in the poultry industry. Poultry operations today produce a 50 percent larger bird, using 15 percent less feed, in 20 percent less time than they did 20 years ago. Half the number of birds are lost to disease and death today than in 1968. I think that this is an example of what can be "done right" by American industrial innovators.

But as we have seen time and time again in the past, the innovation of output is often way ahead of innovation in safety—the safety of the product, and the safety of the workers by whom it is produced.

Mr. President, I regret that the poultry industry is following this tragic industrial pattern. The industry has put its energy and its money behind research, and it has come up with bigger and better birds. But the safety of its product and working conditions in which it is produced have lagged far, far behind. A chicken may be twice as plump for much less feed than 20 years ago, but reports indicate that the same chicken carries 4 times as much bacteria than 20 years ago.

Mr. President, I am glad that poultry is popular with consumers; I am glad that poultry prices have remained relatively low over the years.

I am also glad that small-time poultry entrepreneurs, like one in Canton, OH, are doing all they can to keep their product clean, using competition to keep the chicken giants more honest.

But I am angry that the poultry industry conglomerates—and the Department of Agriculture officials charged with regulating it—pretend that no problems exist. If you believe the poultry industry, chicken is as clean as it needs to be. And if a chicken here and there is contaminated, well, then it is the consumer's problem to avoid getting sick from it.

Is chicken as clean as it needs to be? Is getting sick the consumer's problem? I say no. And it's time that the USDA put it's foot down, and say no as well.

Mr. President, no such tough talk has come from the Department of Agriculture. The Federal Government began inspecting meat in 1906, and poultry after World War II. The reason for Government inspection of food was as simple then as it is now: The safety of our food supply is just too important to entrust to the private sector. Impartial Government officials are supposed to be the only ones who can faithfully guarantee the wholesomeness of our foods.

Mr. President, today 4 companies produce 41 percent of all poultry. Twenty companies produce 79 percent.

When you have so few operations producing so much of America's total output, regulators should get tougher. USDA is doing just the opposite.

Mr. President, the time has come for USDA's food safety and Inspection Service [FSIS] to junk the streamlined inspection service, and to go full stream ahead on bacterial testing research. The alternative, at the very least, is to stop using a USDA label to certify wholesomeness, when USDA lets someone else do the inspecting. If USDA insists on delegating its responsibility to industry, the consumer should at least know about it.

I ask unanimous consent that a copy of my bill be printed at the conclusion of my remarks, along with a number of articles on poultry production, as follows: The Atlanta Journal-Constitution, May 26, and June 2, 1991, The Arkansas Democrat, April 21, 22, 23, 24 and 25, 1991, Time, November 26, 1990, the Wall St. Journal, November 16, 1990, and the Atlantic, November, 1990.

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

S. 1324

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 "Poultry Consumer Protection Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) United States consumers are entitled to a safe supply of food;

(2) it is the responsibility of United States food producers to deliver products, whether raw or processed, that require no more than reasonable and proper care by private and commercial consumers in order to maintain the wholesomeness of the products;

(3) it is the responsibility of the Federal Government to ensure basic standards of food safety, and to identify and report sources of food contamination;

(4) United States consumers are making poultry an increasingly large part of their diets;

(5) poultry has been recognized as a high protein alternative to foods with higher fat content;

(6) evidence suggests that poultry transmits certain microbiological pathogens in greater quantity than other popular parts of the diet of persons in the United States;

(7) consumers should be responsible for reasonable, proper precautions in the preparation of foods;

(8) it is the responsibility of food producers to maintain standards of wholesomeness that require no more than reasonable, proper care by consumers in order to avoid sickness;

(9) the level of poultry-borne microbiological pathogenic contamination has surpassed the level at which reasonable, proper care by consumers can consistently mitigate the risk of sickness;

(10) the use of increased processing line speeds by the poultry industry makes it impossible for inspectors to complete appropriate inspection of poultry products and increases health risks to consumers; and

(11) the continued increasing public demand for poultry requires that appropriate steps be taken to secure the safety of poultry supplies.

(b) PURPOSES.—The purposes of this Act are—

(1) to generate accurate data necessary for continued maintenance of food safety and public health standards;

(2) to provide current, scientifically sound information regarding health risks to the United States consumer resulting from changes in levels of microbiological pathogenic contamination in the food supply of the Nation, including health risks resulting from changes in food consumption and production patterns in the United States; and

(3) to facilitate public and private disclosure of information in order that the public health may be maintained.

SEC. 3. REPORT AND EMPLOYEE PROTECTION.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following new sections:

"SEC. 1708. MICROBIOLOGICAL PATHOGENIC CONTAMINATION STUDY.

"(a) DEFINITIONS.—As used in this section:

"(1) FEDERAL PUBLIC HEALTH AGENCY.—The term 'Federal public health agency' means an independent establishment that has public health responsibilities.

"(2) INDEPENDENT ESTABLISHMENT.—The term 'independent establishment' has the meaning given the term in section 104 of title 5, United States Code.

"(3) INORDINATELY.—The term 'inordinately' means, with respect to incidence of human infection or death, any incidence statistically greater than the incidence predicted by appropriate current food safety data, as determined by the Secretary.

"(4) MICROBIOLOGICAL PATHOGENIC CONTAMINATION.—The term 'microbiological pathogenic contamination' includes the presence of the salmonella group of bacteria and campylobacter jejuni.

"(b) STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study regarding the incidence of human infection resulting from microbiological pathogenic contamination of the United States food supply.

"(2) SUBJECTS.—In conducting the study described in paragraph (1), the Secretary shall—

"(A) collect current data regarding human infection or death resulting from microbiological pathogenic contamination.

"(B) evaluate sources of microbiological pathogenic contamination in the United States food supply;

"(C) evaluate the relationship between—

"(i) changing patterns of food consumption; and

"(ii) the spread of microbiological pathogenic contamination;

"(D) assess progress in achieving use of reliable laboratory testing methods as the measure of microbiological pathogenic contamination in the United States food supply, including progress in achieving the 1987 National Academy of Sciences recommendations regarding domestically produced poultry and poultry products;

"(E) assess the most scientifically efficient means to limit microbiological pathogenic contamination of the United States food supply;

"(F) identify geographic concentrations or patterns of human infection and death resulting from microbiological pathogenic contamination borne by the United States food supply;

"(G) identify sources of microbiological pathogenic contamination that result in human infection or death in cases in which the human infection or death occur in an inordinately large geographic concentration;

"(H) determine the level at which microbiological pathogenic contaminants in the United States food supply do not pose a significant threat of human illness sufficient to cause incapacity or require professional medical care for identifiable population groups, including groups such as infants, elderly persons, and persons with compromised immune systems; and

"(I) identify the most common ways in which consumers come into contact with microbiological pathogenic contamination in the United States food supply.

"(c) REPORT.—

"(1) INITIAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the findings of the Secretary based on the study described in subsection (b), and recommendations for decreasing the microbiological pathogenic contamination in the United States food supply.

"(2) SUBSEQUENT REPORTS.—Not later than 12 months after the date of the presentation of the initial report described in paragraph (1), and annually thereafter, the Secretary shall submit a report to the committees described in paragraph (1) containing an update of the information contained in the initial report.

"(d) AGREEMENTS.—The Secretary may enter into agreements with other organizations and Federal public health agencies to carry out this section.

"(e) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Secretary, the heads of other pertinent Federal public health agencies shall provide, without reimbursement, any of the personnel of the agencies to the Department as the Secretary determines to be necessary to carry out this section. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(f) TECHNICAL ASSISTANCE.—On the request of the Secretary, the heads of other pertinent Federal public health agencies shall provide, without reimbursement, such technical assistance and administrative support services to the Department as the Secretary determines to be necessary to carry out this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1992 and each of the subsequent fiscal years.

"SEC. 1709. EMPLOYEE PROTECTION.

"(a) DEFINITIONS.—As used in this section:

"(1) EMPLOYEE.—The term 'employee' means an employee of an employer.

"(2) EMPLOYER.—The term 'employer' means a person engaged in a business affecting interstate commerce.

"(b) DISCLOSURE AND PARTICIPATION IN PROCEEDINGS.—No person shall discharge or discipline an employee, or in any other manner discriminate against an employee with respect to the compensation, or the terms, conditions, or privileges of employment, of the employee, because the employee (or a person acting in accordance with a request of the employee)—

"(1) discloses information that the employee reasonably believes will assist completion of the study described in section 1708(b); or

"(2) testifies or is about to testify in any proceeding relating to completion of the study described in section 1708(b).

"(c) PROCESS.—In a case involving discharge, discipline, or discrimination under subsection (b), the process, procedures, and remedies shall be governed by the applicable provisions of section 405 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2305), except that, in determining whether a violation of subsection (b) has occurred in such a case, the standard of proof that is used by the Merit Systems Protection Board in proceedings under section 1221 of title 5, United States Code, as described in paragraphs (1) and (2) of subsection (e) of such section, shall be employed".

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, May 31, 1991.

EDWARD MADIGAN,
Secretary of Agriculture, Department of Agriculture, Washington, DC.

DEAR SECRETARY MADIGAN: We are writing to urge that you withdraw the Streamlined Inspection System—Cattle (SIS-C) proposed rule, and discontinue the SIS-C pilot programs which have been in operation since 1985.

It is our understanding that you have taken the future of SIS-C under review. In our opinion, the dismal results of SIS programs generally offer little basis for continuation of SIS-C. Food safety experts and beef producers alike are concerned that the low public regard for SIS quality assurance could result in damage to beef marketing efforts, and further erode public confidence in the safety of America's food supply. A September, 1990 report by the National Academy of Sciences echoed these concerns, emphasizing the absence of sound scientific or empirical foundations for the streamlined inspection concept.

The "crisis of confidence" resulting from SIS-C has been articulated by firms ranging from the giant Iowa Beef Products to small producers represented by the Western Organization of Resource Councils and the Dakota Resource Council. The N.A.S. concluded that SIS-C largely bypasses recommendations it has promulgated three times since 1985 regarding scientifically sound modernization of U.S. food inspection. It is no wonder that SIS is a source of grief to those who know best, American agriculture producers.

Mr. Secretary, application of the SIS concept to industry operations has raised a number of questions which must be answered before SIS is expanded further. We support the Department of Agriculture's mission to improve the safety and marketability of U.S. agricultural products. Consequently, we are at a loss to see how Streamlined Inspection System—Cattle advances either of these objectives.

We look forward to working with you on this pressing food safety problem.

Very sincerely yours,

HOWARD M. METZENBAUM,
U.S. Senator.

PATRICK J. LEAHY,
U.S. Senator.

[From the Atlanta (GA) Journal-Constitution, May 26, 1991]

CHICKEN: HOW SAFE?—PART 1

(By Scott Bronstein)

Three columns of chickens, dangling by their feet, speed into the ear-splitting din of a cool, dank warehouse—a maze of birds in dizzy, mechanized motion.

The lines of bobbing broilers coil around half a dozen machines that eviscerate the fryers and thread past the rare human worker who, wearing a hairnet, cotton smock and black rubber boots, reaches out to snip with scissors at the occasional bird the machines miss.

It is an automated cascade triggered by consumers seeking low-cost, low-cholesterol fare in record numbers. And it carries a hidden price: contamination.

The U.S. Department of Agriculture, responsible for ensuring that poultry products are wholesome, is failing so completely that the distinctive USDA seal of approval today no longer guarantees that chicken is safe to eat, said more than six dozen USDA inspectors at the nation's largest poultry plants.

Every week throughout the South, millions of chickens leaking yellow pus, stained by green feces, contaminated by harmful bacteria, or marred by lung and heart infections, cancerous tumors or skin conditions are shipped for sale to consumers, instead of being condemned and destroyed, the USDA inspectors said. Consumer advocates, federal veterinarians, former USDA scientists and congressional experts also describe a poultry production system swamped by success and out of control.

"You know the USDA seal of approval we put on the chicken? Well, it means nothing now. It's meaningless," said Gail Duncan, an inspector at the Trussville, Ala., plant owned by Atlanta-based Gold Kist Inc., the nation's third-largest poultry company.

Senior USDA officals call Mrs. Duncan, a 42-year-old mother of two who has been a federal poultry inspector for nine years, and hundreds of inspectors like her the consumer's "first line of defense" on poultry processing lines. She has become so concerned that chicken is no longer wholesome she has not served it to her own family for a year. Five dozen inspectors said they also were so concerned that they no longer eat chicken.

"Chickens we would routinely condemn 10 years ago are now getting right through to the consumer," said Mrs. Duncan. "What's so bad is the people are paying taxes for us to do this job and we can't do it. We are not being allowed to protect the consumer."

In all, The Atlanta Journal-Constitution interviewed 84 federal poultry inspectors from 37 processing plants in Georgia, Arkansas, Alabama, North Carolina and Mississippi—about 5 percent of all USDA inspectors monitoring poultry quality in the South. Included were inspectors at plants operated by the eight largest poultry companies in the United States. Among the findings:

Thousands of birds contaminated or stained with feces are shipped every day instead of being condemned, 81 inspectors said.

Thousands of diseased birds pass from processing lines to stores every day, 75 inspectors said.

Thousands of contaminated birds are salvaged by cutting away visibly diseased meat and selling the rest—much of which is also diseased—as chicken parts, 70 inspectors said.

Maggots, especially in summer months, often infest cutting and processing machinery, 47 inspectors said.

"Last summer, they were bringing plastic tubs into the plant and they had maggots crawling all over them," said Susan Ridgway, 42, an inspector at the ConAgra plant in Dalton, Ga. "These tubs would have been loaded up with chicken parts if we hadn't caught it. It happens all the time."

USDA scientists, industry experts and consumer advocates say that millions of birds leave plants every week contaminated by the unseen bacteria that cause serious food poisoning.

To meet spiraling demand, chickens today are slaughtered and processed by high-speed automated machinery. By their design, the automated lines spread bacteria and contamination, industry experts say.

While the demand for chicken has soared in recent years, so has the incidence of food poisoning caused by two powerful bacteria that often infect poultry: salmonella and campylobacter.

Millions of people become ill every year after eating food contaminated with salmonella or campylobacter—and several thousand die as a result, most of them elderly, children, or people with a weakened immune system, the U.S. Centers for Disease Control estimates.

Reported individual cases of food poisoning caused just by salmonella jumped 116 percent in the last two decades. Up to half of the salmonella cases are caused by tainted chicken, the CDC estimates. As many as 70 percent of the campylobacter cases come from poultry, USDA scientists say.

Poultry processors strongly defend their products.

Industry officials are keenly aware that it would be economic suicide to ignore quality control. Consumer confidence is the keystone of their sucess.

"We do not put out a product that is unwholesome. We simply would not do that," said Dr. James Whitmore, vice president for research and quality assurance at Tyson Foods Inc., the nation's largest poultry processor.

Paul G. Brower, a spokesman for Gold Kist, agreed. "We spend a great deal of time and money and hire poeple who are very thoroughly trained in quality control to be sure that we produce, process and market a safe, sanitary, wholseome product."

Industry executives and USDA officials point out that today less than one-half of 1 percent of the chickens are condemned for detectable disease, down from 10 percent several decades ago. They concede that at least one-third of their processed chicken is contaminated with salmonella and other bacteria. But they think the CDC is simply wrong in estimating that millions are getting food poisoning from chicken.

It would cost far too much to produce cleaner chicken, industry officials said, and they believe that consumers would be reluctant to pay the price. Thanks to an intensive investment in high-speed processing machinery, chicken is today the cheapest meat consumers can buy. In fact, a whole chicken actually cost less today per pound than 40 years ago.

Poultry processors could produce chickens completely free of bacteria by irradiating them, but consumers appear to be more frightened of this technique than by the threat of bacteria.

Industry officials say that as long as consumers thoroughly cook poultry, however, there is no danger of food poisoning.

"The chicken is without a doubt wholesome and healthy—as long as it's cooked properly," said Dr. Kenneth N. May, a spokesman for the industry's trade group, the National Broiler Council.

Poultry companies and the USDA, in effect, today increasingly depend on consumers to protect themselves—despite a federal food inspection system that costs taxpayers $417 million a year. What inspectors miss at the processing plant must be caught in the kitchen.

Even trained federal inspectors can often miss the subtle signs that might indicate any of a dozen diseases. And, without a microscope, it is impossible for anyone to tell whether chickens are covered with bacteria.

The most vigilant consumer cannot control the preparation of chicken in restaurant kitchens, which cook about 40 percent of the chicken produced today. Some 25,000 fast-food outlets have added chicken to their menus since 1977.

It is equally difficult for anyone to obtain a firsthand look at how plants process poultry.

Of the nation's 15 leading poultry processors, only Gold Kist and Seaboard Farms allowed a reporter to tour a processing plant. On the day of the tours, workers and inspectors seemed to follow proper procedures to ensure that only wholesome chicken was shipped.

Four USDA-approved commercial testing laboratories in the Southeast refused to conduct poultry salmonella and campylobacter contamination tests for the Journal-Constitution. Brian Shelton, lab manager for Pathogen Control Associates, echoed other lab managers when he explained why: "I would expect an extremely high percentage of the chickens would test positive. Our poultry industry clients wouldn't like that."

Growing health hazards posed by chicken are the byproduct of the industry's dizzying success and widespread government deregulation of poultry processing, critics believe.

Commercial chickens are raised in crowded "grow-out houses" and slaughtered at high speed by automated machinery—both of which can increase contamination, they say. By law, each bird must be inspected—but the lines move so fast that thorough examination is all but impossible, inspectors say.

Now the Agriculture Department has plans to allow production lines, which have already doubled or tripled their speed, to move even faster.

Without the money to hire more inspectors to meet the increased workload, the government is turning an increasing share of the safety responsibilities over to the industry.

"They're inspecting more and more chickens, with fewer and fewer people. And the lines run faster and faster, and salmonella contamination is growing greater and greater," said Carol Tucker Foreman, assistant secretary for food and consumer services under President Carter. Ms. Foreman now is a consumer advocate in Washington.

No government or regulatory testing for bacteria is regularly done at any U.S. poultry plant today. Scientists don't have enough test data to even know how few bacteria it takes to make someone sick, so regulators have no idea where to set a safe limit.

Three times in the past five years, the National Academy of Sciences urged regular testing for the bacteria that cause food poisoning. To ensure consumer safety, the academy also recommended changes in the slaughter and processing. The suggestions were largely ignored by USDA, according to academy reports.

Congressional attempts to improve regulatory enforcement have also met with little success. When legislation was introduced in the U.S. Senate four years ago to strengthen poultry inspection, the bill never made it out of committee. It was the last significant congressional effort at change.

Pacing the increased demand for chicken, millions of birds go whirring down conveyor lines daily in slaughter houses in Georgia and other Southeastern states. Georgia, Alabama and Arkansas produce half the chicken Americans eat and much of the chicken eaten around the world.

As the speed of the lines increases, there are too few federal inspectors to ensure that poultry products are free of disease and contamination, USDA inspectors, congressional experts and consumer advocates said.

The number of USDA meat and poultry inspectors has dropped 7.5 percent, from 7,758 inspectors in 1975 to 7,174 today. In that same period, the number of chickens produced in the United States and requiring federal inspection jumped 100 percent.

Hundreds of vacant poultry inspector positions have gone unfilled for lack of funding. The Southeast has the most acute shortage, with 217 of 1,816 positions unfilled last month.

USDA officials say they have handled staff shortages by relaxing the inspection standards and by turning inspection over to the companies.

"We don't do all the product checks we should be doing," said Dr. James D. Willis, Southeast regional director of the USDA's Food Safety and Inspection Service. "Sometimes we have to sacrifice those because of staff shortages."

Rotten meat is easy to spot. But the question of microbiological safety of chicken is a far more urgent problem. Microscopic bacteria like salmonella occur naturally on chickens and, though not harmful to them, can be deadly to humans.

Many scientists believe the salmonella contamination rate has doubled in 20 years. Up to 80 percent of the chicken coming from poultry plants is contaminated with salmonella, according to an unreleased 1989 USDA draft report in which analysts tested 1,500 carcasses at five large Southeastern poultry plants. That compares with about 10 percent for beef or pork.

The presence in chicken of campylobacter bacteria is higher still. Although not as well-known as salmonella, the bacteria are thought to cause twice as much food poisoning.

Dr. Norman J. Stern, a USDA microbiologist in Athens and an authority on campylobacter, recently found 98 percent of the ready-to-eat store-bought chickens he tested in Athens contaminated with the bug.

"The average chicken you buy today in any store has enough campylobacter on it to make 1,000 people very sick," he said. But, he added, "nobody eats raw chicken, so nobody gets those doses.

Ralph George, 54, an on-line inspector at the ConAgra plant in Dalton, like many inspectors feels trapped between the speeding lines and the need to protect the consumer.

"I'm ashamed to even let people know I'm a USDA inspector. There are thousands of diseased and unwholesome birds going right on down the lines that we can't catch."

TODAY, IF YOU BLOW THE WHISTLE, YOU ARE IN TROUBLE

INSPECTORS SAY BOSSES, PLANTS PRESSURE THEM

(By Scott Bronstein)

ELLIJAY, GA.—In the clanking, hissing, rumbling roar of the Gold Kist processing plant, William R. Freeman, 58, stares eight hours a day at a speeding current of raw pink chicken carcasses.

The 25-year veteran inspector and grandfather of three is trained to check for a dozen different diseases in every bird. They pass in front of him every two seconds for eight hours. Hundreds of times every shift, an inspector may be forced to stop the processing line to reject a contaminated carcass.

Like scores of USDA inspectors across the poultry belt, Mr. Freeman says thousands of birds leave plants daily that should be condemned. Mr. Freeman also says there's little he can do about it.

"The oath I took to be an inspector said if I ever saw anything wrong, like a problem with a bad product, I was supposed to report it," said Mr. Freeman. "But today I can't report anything. Today, if you blow the whistle, you're in trouble with the inspection service. I feel the oath I took is violated every day I work by the program we have."

The Atlanta Journal-Constitution interviewed 84 federal poultry inspectors. Forty-eight of them, including Mr. Freeman, who work at two dozen different plants say they are routinely cursed, rebuked and harassed by company officials or by their own government supervisors when they halt speeding production lines to scrutinize spoiled or diseased meat.

The inspectors say clashes with the poultry companies are common, and many believe their ability to ensure the quality of commercial poultry is compromised daily.

Industry officials say the inspectors are wrong. "It's simply not true," said Paul G. Brower, spokesman for Gold Kist. "The inspectors are never treated that way. They are not ever abused or harassed or treated badly in any other way."

Lester Crawford, who oversees all meat inspection in the country as head of the USDA's Food Safety and Inspection Service, said the poultry inspection system works "better than ever."

When asked about the complaints heard in interviews, he said: "All our work force isn't completely happy. But the employees who think there are problems are small in number."

Dr. Crawford said the inspectors are "derelict" if they allow contaminated or diseased chicken to leave a plant. "They also have their responsibility to stop the line, and I've always backed them on that." he said.

Scores of inspectors, however, said the department does not back them when they try to stop the lines.

Barbara Hitt, 39, a seven-year inspector at the Marshall Durbin plant in Jasper, Ala., said there is pressure today on inspectors to do their job less thoroughly.

"It used to be that if it had severe contamination, you condemned that sucker," Mrs. Hitt, a widow whose USDA paycheck supports a daughter at home, said. "But nowadays my own supervising inspector says, 'There can be no more bad birds on your tally. You've had too many.'"

Sixty miles across the state, at the Gold Kist plant in Boaz, Charles S. Painter, 30, a five-year inspector, describes a similar problem: "My supervisor drags me off the line regularly because the company complains that I've pulled too many bad birds. I'm being told to let them go by so the company's production quotas can be met."

Last summer, Jetty Mincey, an on-line inspector at the Canton, Ga., plant operated by Seaboard Farms, had her name posted on the wall at work with other inspectors, she said. "It listed every time when we stopped the line. There have been times we've had to stop the line 500 times for bad birds during a shift at night. And they'd have every one marked down on their papers. They try to make us feel bad for doing our jobs," she said.

Steve Bass, general manager of Seaboard's Canton operation, said he was "unsure" whether such a list was ever posted.

Inspectors' morale is at an all-time low, say USDA veterans such as Doris Pursley, 43. She left her job cutting chicken meat 11 years ago to become an inspector because protecting the consumer appealed to her and seemed a way to do "some good" in the industry.

Today Ms. Pursley and many inspectors like her are frustrated and bitter. "I know for a fact that now I'm far less able to protect the consumer than I once could," said Ms. Pursley.

In the fast-growing area of "further processing," where items such as chicken nuggets, patties, cut-up parts or cooked products are made, a single inspector can be responsible for watching over processing at up to six plants, often miles apart.

When processing inspector Wanda C. Craig, 35, arrived early at one of five North Georgia plants she was monitoring several weeks ago, she found workers mixing 60-pound boxes of rotten meat in with good meat to make chicken patties, she said.

"It had already turned green and had a real bad odor," said Ms. Craig, who has been an inspector for more than 14 years. "It had defintely gone bad. I had to condemn all of it—huge 60-pound boxes of skins. This plant had been mixing that bad meat right in with the good. Had I not come in, it would have been put through the grinder and gone out to the public.

"Sometimes we can only get into each plant for 10 minutes, so you can imagine what kind of inspection they're getting. I know there are things going on when we're not there that shouldn't be," she said.

Most inspectors earn $25,000 to $33,000 a year. Six weeks of training is the principal requirement for the job.

Most inspectors belong to the federal union of meat inspectors, thus having some job protection that gives them some freedom to speak their concerns—although many still insisted on anonymity.

Federal veterinarians who supervise the inspectors do not have a union or the same protection as the inspectors. But they also have concerns about poultry inspection, according to Dr. Edward L. Meaning, executive vice president of the National Association of Federal Veterinarians. He said most poultry plant veterinarians belong to the group.

"There are many vets concerned about the line speeds and about the fecal contamination that may ensue from that. Their concern is one of wanting more data," he said.

"The biggest human threat is not from the bad, condemnable birds that get through. The main threat is from the 70-plus percent of the carcasses with pathogens that can make humans very sick," he said.

In the past, friction between the plant employees and federal inspectors was common, said Dr. James D. Willis, Southeast regional director of the USDA's Food Safety and Inspection Service.

That's no longer true, he said: "We work with the industry today. They now do a lot of the product checks, and we monitor them. . . . The inspectors are not doing as much as they used to do. Now, the plant does much of the inspection for us."

That's just the problem, say many inspectors. The USDA today "serves" the poultry industry rather than consumers, they believe. "The USDA has completely relaxed the inspection service over the years," says Douglas Terry, 64, a 30-year inspector at the Peterson Industries Inc. plant in Decatur, Ark.

Dr. Menning sharply criticizes the USDA's increasing push to hand inspection to companies that have "a financial interest" in meeting quotas.

For Wilmer L. Williams, 48 an inspector for 11 years at the ConAgra plant in Enterprise Ala., there is no question inspection is compromised. "The plants don't watch the chickens as closely as we do," he said.

"Let's be honest. The plant people are not going to slow down the lines for something they find wrong. How often do you hear of a highway patrolman giving himself a ticket for speeding? It just don't happen."

A DAY TO FORGET: MOST SICK I HAVE EVEN BEEN

(By Scott Bronstein)

Mike Quinn, a 40-year old heart surgery nurse at Piedmont Hospital, was barbecuing chicken for his children in the back yard of his Stone Mountain home. He licked from his

fingers some barbecue sauce that had touched the raw chicken.

That was his mistake.

Twelve hours later, Mr. Quinn was convulsed by cramps and diarrhea so severe that he lost 10 pounds in 48 hours.

At least 2 million people were poisoned last year by salmonella bacteria and up to 2,000 died, scientists at the U.S. Centers for Disease-Control estimate. And at least twice as many people were poisoned by little-known bacteria called campylobacter, they believe. In both groups, they say, up to half got sick eating chicken.

Mike Quinn was one of them.

Doctors at Piedmont Hospital's emergency room diagnosed food poisoning caused by campylobacter. The microscopic one-cell organisms left his colon raw and bleeding. "The bacteria had just eaten it up. Stripped inside out," Mr. Quinn said. He was hospitalized for five days last November. He still has not completely recovered.

In all, the USDA estimates that salmonella and campylobacter infections cost more than $2 billion a year in medical expenses, lost productivity, product recalls and related costs.

"The fact that poultry consumption and the number of salmonella cases are rising at similar rates doesn't prove correlation," said the CDC's Morris Potter. "But I do think it is a cause for great concern."

The elderly, the very young, and those with a depressed immune system are particularly vulnerable to food poisoning, say medical experts like Dr. Potter.

Some people find it hard to believe that chicken can be so dangerous.

Deborah Croney, 41 was one of 130 people who got sick from salmonella last September after eating a chicken barbecue dinner at the Seymour Apple Festival, 30 miles from Springfield, Mo. A half-dozen, like Ms. Croney, were hospitalized.

"I had a really hard time accepting that it was the chicken. I couldn't hardly believe it," she said. "This was the most sick I've ever been. I felt like I might die."

USDA EASES UP ON PLANTS SIX TIMES IN 15 YEARS

(By Scott Bronstein)

Six times in 15 years, the U.S. Department of Agriculture changed its procedures in ways that weakened the poultry inspection system.

Mandatory inspection of all chickens began in 1957, after the Poultry Products Inspection Act was approved by Congress.

That law was broadened a decade later with the Wholesome Poultry Product Act.

In 1977, the USDA allowed companies to rinse, rather than cut out, chicken contaminated with fecal matter.

The companies, petitioned for the change when they discovered that their new machinery ruptured intestines and spilled fecal matter into the bird carcasses, say consumer advocates.

In the late 1970s many plants were allowed to develop "salvage" lines, where meat believed unaffected by disease or contamination was trimmed from chicken carcases and sold to consumers as cut-up parts or processed meat.

In 1984, the department allowed plants to raise production-line speeds and take on some inspection duties. They were allowed to trim bruises, broken bones or other bad parts marked by inspectors without an inspector watching the trim operation.

A year later, the department no longer allowed its online inspectors to slow the lines. Now only supervisors have the authority.

And production lines in some plants were allowed to speed up again in 1986.

During the last four years the USDA has been experimenting with a pilot program in a Puerto Rican plant, allowing company employees to do even more inspection.

Printed on virtually every package of chicken available for purchase by consumers today is a small blue circular seal that reads: "Inspected for wholesomeness by the USDA, U.S. Department of Agriculture.

For 33 years, the government seal has assured consumers that the raw chicken they purchase has met rigid inspections mandated by Congress.

It is the only way consumers have to tell if the chicken they eat is safe.

"That stamp meant the chicken was safe to eat for the consumer, that they could trust it," said Dr. Robert B. Mericle, a supervisor for poultry inspection in the Midwest from 1952 to 1969 and one of the nation's authorities on the subject.

"It meant the chicken was processed under sanitary conditions, and that each bird was inspected by a government worker to see if it was free from disease."

Beef, veal, lamb and pork producers has to start using the stamp in 1906 after Congress enacted the Meat Inspection Act, spurred by Upton Sinclair's expose to the red-meat packing industry.

But more than 50 years passed before Congress, in 1957 decided to regulate poultry as well. It approved the Poultry Products Inspection Act that year at the urging of poultry processors themselves—many of whom were competing against a few firms that voluntarily allowed inspection in their plants.

The seal had first appeared on chicken in the early 1920s, when several companies began allowing voluntary inspections so their canned chicken products could be stamped, assuring consumers of product purity.

Accompanying the seal of approval on most chickens is a crest-shaped seal stamped "Grade A." A separate division of the USDA, outside the food inspection service, gives chickens this additional mark if they are visibly "perfect" birds free of such defects as bruises, feathers or discoloration.

POULTRY INSPECTION: WEAKENING THE STANDARDS

Important events since poultry inspection began, leading to increased line speeds and companies doing more of the inspection. Each chicken represents 10 birds per minute per inspector.

1957: Poultry Products Inspection Act passed. Inspectors look at 16 birds per minute.

1978: "Modified Traditional" inspection begins. Now inspectors watch 22 birds per minute.

1984: U.S. Department of Agriculture allows companies to adopt "New Line Speed." Inspectors now watch 30 birds per minute.

1986: "Streamlined Inspection System" cuts number of inspectors by a third at some plants. Inspectors now watch 35 birds per minute.

1991: USDA is experimenting with faster line speeds to test effects on contamination.

Source: USDA officials, inspectors.

HIGH-TECH PLANTS CHURN OUT BIRDS—BUT ADD TO RISK

(By Scott Bronstein)

Within a few years, industry officials hope to automate poultry processing almost completely. Consumer activists and scientists warn that the chicken produced by such plants may—by their design—be more contaminated than ever.

Modern chicken slaughter and processing are a testimony to the high technology of the late 20th century, a product of millions of dollars of research money engaging the best minds at universities across the South. Their engineering expertise created sprawling factories where 200,000 chickens a day enter one end and pallets of family-sized ready-to-buy packages of filleted breasts leave at the other end.

"The poultry industry has enjoyed a technical revolution over the last two decades, analogous to the invention of the cotton gin in the 19th century," said Thomas Devine, legal director of the Government Accountability Project, a consumer advocacy group in Washington, D.C.

"The problem is that with the new mechanization there's a lot more contamination that routinely occurs, and no one is doing anything about it," he said.

A QUICK RIDE

Nearly every large company now has "integrated" operations, meaning that it typically runs in one location all aspects of processing, from the feed mill to the rendering mill, to the hatcheries, to the slaughterhouse, processing and packaging areas.

Chickens begin their ride through a slaughterhouse by brushing up against an electrically charged metal grate carrying about 18 volts of electricity. This stuns the birds.

Then, at the rate of about 140 birds per minute, their throats are cut by a circular 8-inch rotating blade that severs their main artery.

As the carcasses move onto the processing line, critics say, contamination caused by the automated machinery begins. One recent USDA study found that just over half the chickens at one Puerto Rican processing plant were contaminated with salmonella bacteria going in, but three-fourths were contaminated coming out.

DANGER POINTS

USDA scientists and consumer experts say the problem areas include:

Dirty water. Chickens are soaked in 40-foot tanks to loosen their feathers. The steaming hot water quickly becomes a thick, brackish, bubbling soup filled with debris from the feathers. The water, usually about 135 degrees, is not hot enough to kill bacteria. Salmonella and other bacteria survive to contaminate other birds.

Bacterial mist. The wet feathers are beaten loose by thousands of 4- to 6-inch rubberized spinning "fingers." They contaminate the birds by spreading bacteria, dirt and fecal matter on the feathers, directly and also through a sort of "bacterial aerosol." The fingers can also beat germs deep into the chickens' skin.

Ruptured birds. The birds are eviscerated by machine. Because no two chickens are alike and the machines are so precise, intestines are often ruptured when mechanically "drawn" or removed from birds, causing fecal contamination.

The wash process. More than a decade ago the USDA allowed companies to begin washing birds one time with a mild chlorine rinse instead of trimming out fecal contamination. But USDA scientists have shown that, even after 40 washings without chlorine, bacteria cannot be completely removed.

Cross-contamination. Chickens are cooled for processing in a large communal bath known as the "chill tank." Large enough to handle up to 5,000 birds at once, the tanks

mix clean chickens with dirty ones. Dr. Huda S. Lillard, a USDA microbiologist in Athens, published a study showing the number of birds with salmonella more than doubled after immersion in the chill tank. She says the tank is where contamination is most likely to occur.

"None of the new changes brought into the production process were designed to reduce the level of bacterial contamination. They were always designed to increase production levels," said Rod Leonard, who served as federal administrator for meat and poultry inspection under President Johnson.

"The effect all these changes have on the quality of the poultry, its wholesomeness, is they raise the level of contamination," said Mr. Leonard, now a consumer advocate at the Community Nutrition Institute, a group based in Washington, D.C., that does policy analysis in food, nutrition and agriculture.

Automation has become the rule in most slaughterhouses. In 1967 a slaughter operation typically required about 100 employees. Today, only 35 employees are needed. The rest is done by machine, according to Lamar Rice of Stork Gamco Inc., one of the leading poultry machine manufacturers in the country. In 24 years, 14 of 22 different jobs formerly done manually have been automated, he said.

"I believe that within two to five years this industry will be 95 percent automated," said Harold Ford, executive vice president of Southeastern Poultry and Egg Association.

"A TERRIBLE THING TO DO"

It was in 1977 that the industry persuaded USDA to allow the washing of contaminated birds, instead of requiring that they be trimmed. Today, the official directly responsible for that decision regrets it.

"It turned out be a terrible thing to do," says Carol Tucker Foreman, a consumer advocate who was assistant secretary for food and consumer services under President Carter.

"By allowing the companies to wash instead of cut meat away we created a financial incentive for them to be sloppy in the evisceration of birds." she said. "We took away one of the incentives to run clean, safe lines."

A WELL-BRED BIRD BEGINS IN THE LAB

(By Scott Bronstein)

Poultry experts are breeding a better bird.

William P. Roenigk, an economist with the National Broiler Council, jokingly calls it the "Dolly Parton chicken."

Consumers mostly favor white over dark meat, and chicken breeders are developing birds with larger breasts to oblige. The industry has redirected millions of dollars of its profits back into research to develop heavier, healthier chickens for delivery to tables in record time.

Today, thanks to genetic selection, vitamins, growth hormones, antibiotics and myriad other advances, the industry typically get a 5.15-pound broiler after 46 days. Ninety-five percent commonly survive, according to Dr. William A. Rishell, vice president and director of research and development at Arbor Acres Farm in Glastonbury, Conn.

Broiler body weight has increased by 1.65 pounds since 1968—in broilers that are 10 days younger and using 15 percent less feed, he said. And the number of birds dying before they are ready for market has been cut to half the 1968 level.

Sone chicken diseases have been eradicated. Marek's disease, a poultry disease similar to cancer, was eliminated in the 1970s. As a result, the industry has saved around $3 billion in 20 years since, said Mr. Roenigk.

That's only the beginning.

Studies are under way to genetically select broilers that are more immune to bacteria such as salmonella and campylobacter and a variety of diseases. For example, Dr. Norman J. Stern, a microbiologist for the USDA's Agricultral Research Service in Athens, is trying to breed chickens that are less susceptible to campylobacter. Resistant birds, however, won't stop contamination caused by processing.

Industry officials also say that eventually they will be able to achieve full-weight chickens in just over one month—and that chicken will contain less fat.

Today, a whole chicken carcass might contain about 16 percent fat. Breeders think they can get that down to 10 percent.

HOW CHICKENS GET TO YOUR TABLE

1. EGG

Contamination can begin in the egg because the hen that lays it may be contaminated. Eggs are laid in breeder farm houses, each sheltering 9,000 females and 900 males for high productivity. About 85 percent of the hens lay one egg a day every day of their lives. Each day, the eggs are collected and sent to the hatchery.

2. HATCHERY

250,000 eggs per day; 90,000 per incubator; 18 days to incubate; 25 eggs per basket; 5 baskets deep; 6 days to hatch; 50,000 hatch per day.

Throwing room. To keep up with the hundreds of thousands of chicks that hatch each day, workers in this room literally scoop up large handfuls of chicks every second, throwing them several feet through the air onto conveyor belts.

The fluffy yellow chicks, no bigger than baseballs, are inoculated, in some plants debeaked (beaks blunted on hot plate to reduce danger), and transported to grow-out houses.

3. GROW-OUT HOUSES

23,000 birds per house, 6 weeks to grow.

Chickens are caught manually, at night, by a 5-person crew. All 23,000 chickens can usually be caught and caged in under three hours.

22–26 birds per cage.

4. SLAUGHTERHOUSE

(a) Chickens are dumped from their cages onto a conveyor belt; (b) workers hang the birds upside down by hooking both feet into moving shackles at about one bird per second; (c) the chickens are sprayed with water and stunned by an 18-volt electric shock; (d) a mechanized blade draws a quick, long slash across each chicken's neck and blood begins pouring onto the floor and into drains; (e) after the blood has drained, the birds are dragged through a tank of scalding water to loosen their feathers; (f) the feather-removing machine pummels the dripping and dirty feathers off the carcasses. The feathers drop in soggy piles to the ground and are swept away in a refuse drain; (g) machines and workers sever the birds' heads and open their body cavities, laying the guts in a pile; (h) USDA on-line inspectors check every bird for a dozen different diseases, tumors and infection, as well as for feces and gall contamination. They have 1 to 2 seconds per bird; (i) infections are sucked out with a vacuum cleaner, and skin tumors, unless two or more are found, are removed and the chicken is salvaged; (j) after inspection, the viscera are cut from the chickens and they are given several last washes and further trims; and (k) the chickens are sent to the chill tank, where as many as 5,000 may be cooled in a water bath at one time.

5. PROCESSING

(a) Chickens are weighed, graded by size, and cut up, packaged whole or prepared for specially packaged food items; and (b) dozens of workers stand side by side, making the same cuts or slices in each carcass as it passes by at a rate of one every few seconds.

Poultry plants produced 25.5 billion pounds of chicken meat in 1990. For every person in the United States, there were 24 broilers slaughtered and inspected last year.

Figures are for a typical industrialized broiler operation and will vary from plant to plant. Source: U.S. Department of Agriculture. Gold Kist and Seaboard Farms.

FRESH EGGS TAKEN OFF MANY MENUS

Salmonella contamination is so pervasive that often it is even inside the eggs chickens lay. Today, some of the nation's leading restaurants, hotels and airlines—worried about food poisoning—are breaking their fresh egg habit and are using pasteurized, packaged liquefied eggs instead.

And beginning July 1, Georgia will lead the nation with new refrigeration laws for eggs.

Under a state law enacted this year, eggs must be refrigerated by handlers at an ambient temperature not to exceed 45 degrees Fahrenheit from the time they are gathered until they are served at restaurants or in institutions. It prohibits grocers from storing them in unrefrigerated aisle displays.

BACTERIA: THE HIDDEN HAZARD

Two types of bacteria are the most common cause of food poisoning:

Salmonella

A hardy bacterium that can live up to six months on a kitchen cutting board; occurs naturally on chicken, but often causes them no harm. In the human intestine, however, it can cause constant diarrhea, abdominal cramps, nausea, and even death in those with a weak immune system.

Campylobacter jejuni

A newly discovered one-cell organism which is thought to cause twice as much food-borne illness as salmonella.

BREEDING A HEALTHIER CHICKEN

USDA researchers are trying to breed campylobacter-resistant chickens at the Department of Poultry Science at Auburn University.

SALMONELLA ON THE RISE

Number of sporadic or single cases of salmonella infections reported annually. The CDC estimates only 1 percent to 5 percent of the actual number of cases are reported. The CDC also estimates that up to half of sporadic cases are derived from poultry.

DID YOU KNOW?

Chickens have keen hearing and sight, but they have only 24 taste buds compared with 9,000 for humans. Chickens have a poor sense of smell.

THE PRICE OF CHEAP CHICKEN

In all, 84 federal poultry inspectors were interviewed at 37 processing plants in five states, including plants operated by the eight largest poultry companies in the United States.

Contamination

Thousands of birds tainted or stained with feces, which a decade ago would have been condemned, are now rinsed and sold daily, 81 inspectors said.

"Would you want to go out to a pasture with a chicken, cut him up, then drop him into a fresh manure pile and eat him? That's what the product is like coming from chicken plants today."—Pat Godfrey, 44, an inspector at Tyson's Springdale, Ark., plant.

Disease

Thousands of diseased birds pass from processing lines to stores every day, 75 inspectors said. Many chickens have pus seeping from their body cavities. Others with cancerous tumors often get through, 69 inspectors said.

"I've had bad air sac birds that had yellow pus visibly coming out of their insides, and I was told to save the breast meat off them and even save the second joint of the wing. You might get those breasts today at a store in a package of breast fillets. And you might get the other part in a pack of buffalo wings."—Ronnie Sarratt, 40, an inspector at the Tyson plant in Gadsden, Ala.

Salvage

Poultry plants today often "salvage" meat, cutting away visibly diseased or contaminated sections and selling the rest as packaged wings, legs or breasts, 70 inspectors said.

"Practically every bird now, no matter how bad, is salvaged. This meat is not wholesome, I would not want to eat it. I would never, in my wildest dreams, buy cut-up parts at a store today."—Richard Simmons, 51, an inspector at ConAgra's Gainesville plant.

[From the Atlanta Journal the Atlanta Constitution, June 2, 1991]

CHICKEN: AT WHAT COST?—PART 2

FOR WORKERS, PRICE CAN BE HIGH—PAIN, CRIPPLED HANDS

(By Scott Bronstein)

GAINESVILLE, GA.—Every seven seconds for eight hours a day, Maria Reyes picks up a 10-pound bag full of quartered chicken legs and twists it closed with both hands. Then, with a deft circling motion, she seals it with a clasp in her right hand—about 80 pounds every minute, 4,800 pounds every hour, 19 tons of chicken every day.

By the end of her week at the Mar-Jac poultry plant in Gainesville, the self-proclaimed Chicken Capital of the World, the pain shoots up both of her arms and a 2-inch-long knot rises along her right wrist. She wears a splint. Her sister, Ana-Maria, 46, who fills and seals giblet bags, has had a similar knot on her right wrist for more than a year.

"It hurts when I sweep, or try to hold things, even when I do the dishes," said Miss Reyes, 35. Her sister chimed in, "I can't raise my arm above my head because it hurts so badly. My daughter has to help me put on my hairnet each morning."

To keep pace on poultry production lines moving twice as fast as a decade ago, the human components of the highly automated poultry processing machinery, such as Miss Reyes, her sister, and her niece, Ana-Isabel, must move their arms in quick staccato fashion to slice, wrap, cut, and, on occasion, rip apart raw chicken with their hands.

The repetitive motions often cause what are called repeated trauma disorders. They range from simple tendinitis in the wrists or shoulders to carpal tunnel syndrome, which can leave a worker virtually crippled, requiring corrective surgery.

Thousands of poultry workers across Georgia and other poultry states have required carpal tunnel surgery as a result of damage to nerves and tendons in wrists or hands. About 5 percent of the injuries result in permanent disabilities, federal safety officials said.

No one today can be sure exactly how many poultry workers are being injured because the Occupational Safety and Health Administration (OSHA) does not regularly monitor repeated trauma cases or accidents involving knives, saws or other machinery.

But repetitive motion injuries have in the last few years become the most common occupational illness in the United States. Today, more than half of all reported occupational illnesses involve repeated trauma, say officials at the U.S. Department of Labor. And poultry plant workers are injured through repeated trauma more often than workers in any other U.S. industry except redmeat packing.

Industry officials acknowledge the high number of worker hand and arm injuries, but the solution for many companies is to eliminate the jobs through greater automation—with the likely result that bacterial contamination of chicken caused by such machinery will get worse.

"We're well aware of the problem. And we don't have an answer for it yet," said Harold Ford, excecutive vice president for the Southeastern Poultry and Egg Association.

"We're trying to be responsive. We don't want our employees to suffer working for us," said Mr. Ford. "We're reaching the point, because of worker complaints and insurance problems and the OSHA on our backs, that we have no choice but to look for more automation that can replace the poeple in the plants. That means you'll have more people in these rural communities unemployed. Many are not skilled, and they're not going to be able to go out and get other jobs overnight."

Each morning across the U.S. poulty belt—in Arkansas, Mississippi, Alabama, Georgia and North Carolina—tens of thousands of workers report to poultry processing lines. In the Gainesville area, where Miss Reyes works, the work force is predominantly Mexican. Elsewhere in Georgia, in cities such as Buena Vista, Athens, Macon and Carrollton, and in other poultry belt states poultry workers are mostly black.

Whatever their race or national origin, however, the workers are overwhelmingly female and according to physicians, particularly susceptible to repeated trauma injuries.

Miss Reyes, her sister and niece are among the 12,000 Mexican workers who labor in Gainesville area poultry plants. Dressed in cotton smocks, hairnets and rubber boots, they join other shift workers streaming before dawn from the two-room cottages and cramped trailers of Gainesville's "Little Mexico." About one-third are in the United States illegally, workers themselves estimate.

From some Mexican villages, like Maria Reyes's hometown of Cinco de Febrero in the state of Durango, almost two-thirds of the population has moved to Gainesville in the past seven years. She crossed the border into the United States two years ago, unable to speak English—and the $6-an-hour poultry job was the only work she could find. In Mexico, she operated a word processor for the government.

While many of the injured American poultry workers try to seek help from state workers' compensation boards, or even at times through the courts, most Mexicans cannot even complain about working conditions.

They worry that if they do, they could jeopardize their jobs and their continued presence in the United States. A quick call to immigration authorities could settle a labor dispute at many plants.

Teodoro Maus, the Mexican consul in Atlanta, finds conditions in the poultry industry disheartening. "It's tragic—these people come here to work, and they'll work 20 hours a day under the worst conditions with little complaint, because they feel they have no choice," he said. "What's worse is that there are companies willing to take advantage of these people, have them working under these horrible conditions, knowing they will never speak up."

Looking down at her swollen hands at the end of the week, Maria Reyes grows silent for a moment. Then she says quietly through an interpreter, "I feel like I'm trapped. I cannot get a better job because even though I have skills, I don't speak the language. If I complain, they send me home without pay, and then I have nothing."

Her sister nods in agreement: "We rarely complain at work. We can lose our job. Or worse, they send us back to Mexico."

Hand and wrist injuries have been well-documented at a few poultry plants in recent years. Federal safety officials say the injury rate is alarming:

One in five poultry workers has been seriously injured in the hands, wrists or shoulders, many requiring surgery, National Institute for Occupational Safety and Health (NIOSH) experts say.

Poultry processing and slaughtering had an average of 15 percent more repeated trauma injuries in 1989 than the motor vehicle assembly industry and 118 percent more than shipbuilding.

An estimated one in three poultry plant workers today suffers severe pain in the arms, wrists or shoulders, according to Thomas Hales, a medical epidemiologist at NIOSH.

Poultry processing was ranked the 24th most hazardous U.S. industry in 1989, out of 697 ranked by the Bureau of Labor Statistics, for injuries and illnesses causing lost work time. It was worse than coal mining, auto manufacturing and construction.

"This is a huge problem throughout the poultry industry," said Dr. Hales, who has helped design studies on workers in several poultry plants, including the Cargill Inc. plant in Buena Vista and a Perdue Farms plant in North Carolina." I would say one-third of the workers on production lines throughout the poultry industry today are suffering from repetitive trauma disorders."

Georgia legislators are studying a bill introduced this year to change state workers' compensation laws. In part, it would make it harder for poultry workers with repeated trauma injuries, like carpal tunnel syndrome, to qualify for compensation, say workers' comp attorneys.

The bill's chief author, Rep. Jim Griffin (D–Tunnel Hill), said he is unsure how it would affect carpal tunnel cases, but said the measure is designed to save the state money. "I think a big problem with workers' compensation today is that it's paying for things it shouldn't pay for. That's what we need to fix."

Poultry processing workers, who average $6.90 an hour, are among the lowest-paid workers in the United States, labor statistics show. Poultry processing pays its workers the lowest wages of all food manufacturing industries in the country.

In Georgia in 1990, the average weekly pretax wage for poultry workers, $314.78, was significantly lower that that of manufacturing and construction workers.

While many Mexican workers in Gainesville do not complain because they fear deportation, poultry workers in other towns—many of them single mothers—say simply they cannot afford to risk the regular pay.

Alice Denise Fletcher, 32, cut breast meat from chickens on the processing line at the Choctaw Maid Farms plant in Carthage, Miss., for a decade. The single mother earned about $5 an hour to pay the bills and feed her three children.

Every other second of every minute she worked on the processing line, she grabbed a chicken with her left hand, and with a quick twisting motion sliced the breast meat away from the bird with a * * * chickens every day.

In 1988, Ms. Fletcher's right wrist began to hurt so much she had difficulty holding her knife. The company sent her to a doctor, who gave her medication and took her off the line for one day. Then the pain began again.

"It got worse, and they never would let me go to the doctor after the first time," she says today. After a few months she could scarcely use her hand at all. A personal physician in Jackson offered an independent diagnosis: severe carpal tunnel syndrome. In 1989 and 1990, she underwent surgery on her right wrist a total of three times.

Today she assembles lamps at a workshop for the handicapped in Kosciusko, Miss. She gets paid $1.50 an hour and now gets food stamps.

"I blame the chicken plant for injuring me. I ain't going to be able to use my hands the same way ever again," she said.

Ricky Rayborn, human resources director at the plant, would not address Ms. Fletcher's case. "We operate a safe plant, and we do everything we can to prevent injuries," he said. "When an injury does take place, we make sure the injured workers are taken care of through proper medical procedures and medical personnel."

In interviews, more than 40 injured workers from a dozen different poultry plants said they were discouraged or even prevented from seeing doctors when they complained of pain.

They said they had to complain as many as half a dozen times over a month or more before plant nurses allowed them to see a company doctor.

In spite of notes from doctors, some were fired after they were injured, according to workers' compensation attorneys. In some cases, workers said, company doctors told them nothing was wrong. When they sought a second opinion, they learned from other physicians that they had been severely injured, often requiring surgery.

"If you don't intervene and remove these workers and treat their injuries, and you progress to the carpal tunnel stage, then these can be disabling injuries," said Dr. Hales. "They can be irreversible in some of these workers."

David H. Moskowitz, a workers' compensation lawyer in Decatur who has represented more than 75 injured poultry workers in South Georgia, said he often has to fight with companies before they will allow injured workers to see company doctors.

"It's like something you'd imagine out of the Soviet Union," he said. "It's hard to believe someone injured in the course of employment should have to go through this much turmoil just to get appropriate medical treatment in a democratic society."

Linda C. Cromer, an organizer with the Retail, Wholesale and Department Store Union, which represents about 10 plants across the poultry belt, says the industry "has reached a crisis situation."

"Processors have proven they will not willingly make these jobs more safe," she said.

In 1989, the Empire Kosher Foods poultry plant in Mifflintown, Pa., was fined $1.36 million by OSHA for "knowingly and willfully" exposing workers to cumulative trauma injuries. It was the first such fine in the country—but not the last.

That same year, Cargill's plant in Buena Vista was fined $242,000 and also cited for "knowingly and willfully" injuring about half its workers.

The plants—and other fined later—contested the government action. In some cases, settlements are still pending. But empire Kosher Foods, Cargill and other companies have started new safety programs as a result of government pressure.

But many critics say the speed of production lines is the major reason for the continuing high rate of injuries. The lines have not been slowed.

Some plants rotate workers in an effort to reduce injuries, but many workers say they still experience pain.

For Ann Moultry, 47, and others like her, the poultry plants are often the best work they can find.

"It's true, it's a good-paying job. And those are hard to find around here," she said. For seven years she has been grading and hanging 41 chickens a minute at the Southland Broilers Inc. plant in Enterprise, Ala. Last year, she was diagnosed with carpal tunnel syndrome and udnerwent surgery on both wrists. She can now do only light work at the plant.

"At times I can't even wring a bath rag out," she said. "The strength just leaves my hands."

"I KEEP THINKING . . . THAT SHE'LL COME WALKING IN THE DOOR"

(By Scott Bronstein)

GAINESVILLE, GA.—Graciela Gonzalez was about to take a break from sorting chicken breasts at the Dutch Quality House plant that Wednesday night.

She removed her hairnet and hung up her white apron. Friends beckoned her to hurry so she could get the full 10 minutes' break time.

Before leaving her station, she knelt to retrieve some scraps of chicken that had fallen to the floor beneath the "shaker," a vibrating steel machine that sorts frozen chicken breasts.

As she leaned under the machine, her long black hair was swept into the moving parts overhead. She had time to scream only once. As the mechanism drew her head up, a rotating steel shaft struck her skull. She was pronounced dead at the hospital.

Graciela Gonzalez lived, worked and—on Feb. 27, 1991—died in Gainesville, Ga. But to this day, she has never officially existed in the eyes of either her employer or the United States of America. She was never really here.

Mrs. Gonzalez was an undocumented immigrant. The name on the false documents she carried was Rosa Marie Charles.

She is one of the thousands who have come here from small Mexican towns. They are workers on whom Georgia's poultry industry increasingly has come to depend. They are also workers who have little leverage to complain about product quality or working conditions or anything, because—like Mrs. Gonzalez—in the eyes of this country many of them don't really exist.

Officials with Dutch Quality took the body of Mrs. Gonzalez, a 26-year-old mother of two, to Memorial Park Funedral home in Gainesville. Attendants were unsure how to label the corpse. "When you have two or three different names you're dealing with, it's pretty confusing," said funeral home manager Marion Merck. "To be honest, we've been confused from this since it started."

TWO COUNTRIES, TWO FUNERALS

Mr. Merck, contacted the Mexican consulutate's office in Atlanta for help, and a funeral service was arranged in Gainesville. Nearly 150 Mexican workers, along with company officials, came to pay their respects to the woman whose real name most never knew.

As soon as the service was over, family members took her children and whisked Mrs. Gonzalez's body off to her Mexican hometown. Within a week of her death, she was buried with a Mass and wake in Salvatierra. It cost her family about $1,500.

Mrs. Gonzalez's two daughters, Isela, 4, and Jennifer, 11 months, still do not know their mother is dead. Asked where her mother is, Isela says simply, "She is working."

"We haven't been able to tell them yet," said Samuel Gantes, Mrs. Gonzalez's husband, looking down at his daughters playing in the family's small blue house in "Little Mexico" on the south side of Gainesville.

Officials at Dutch Quality offered to pay for the family to fly the body to Mexico. But relatives who accompanied the body, also undocumented workers, then found themselves trapped on the other side of the border. To return to homes and jobs in Gainesville, they waded back across the Rio Grande to Texas, where immigration agents arrested them and sent them back to Mexico.

Just before dawn a week later, they waded across at Matamoros, picked up the daughters, who had been driven back into the United States by a legal family member, and drove to Gainesville. The group got back to Georgia five weeks after Mrs. Gonzalez's death.

MOTHER OF ALL OF US

Mrs. Gonzalez's dream of a better life took form two years ago when she left Salvatierra in the state of Guanajuato and waded quietly and illegally over the U.S. border, carrying Isela in her arms.

On the U.S. side of the river, Mrs. Gonzalez acquired a fake Social Security card, a false birth certificate, and her $6-per-hour job at the poulty plant in Gainesville. Soon after arriving she gave birth to her second daughter, Jennifer, in Gainesville.

Nobody knows just how many men and women like her are living in the cramped cottages and trailer homes of Gainesville's "Little Mexico." But in the last decade, a steady stream of workers has traveled from Mexico to Georgia's poultry plants.

Mexican workers in Georgia today come primarily from the states of Jalisco, Durango and Guanajuato. A few key towns, like Cinco de Febrero in Durango, have had as many as two-thirds of the working population make the pilgrimage to Gainesville. Some came legally. Many did not.

Mrs. Gonzalez was her family's pathfinder. Her brothers Jaime and Alfonzo and her sister Edelia, who are also undocumented, say they followed her to Gainesville, where all of them found jobs in poultry plants. Mrs. Gonzalez had been pooling all their income, saving for a down payment on a house for the family. Four more brothers and sisters were planning to come.

She was also the one who sent money home to their parents, Alfonzo and Luz Maria, in Mexico.

"She was the mother of all of us. She ran all the finances. She made all the decisions," said Jaime, 28. "I still can't believe it. I keep thinking she'll be coming in any minute. That she'll come walking in the door. She was the woman of the house, the core of the family," he said, holding back tears.

"With her gone, we don't know what we're doing anymore. No one has been able to put their ideas in order," he said.

"She came from Mexico with the hope of doing something," said Mr. Gantes. "Mexico is so poor. She was working to make something of herself in life. Something better. She wanted the best things for our daughters."

WE ALWAYS LIVE IN FEAR

Company officials say they want to help the family.

"We have been working with [her] family to provide for their needs," said Elton Maddox, general manager of the plant. "We will do everything we can to help them in their time of need."

As of now, no formal benefits package has been given to the family. State law grants workers' compensation to undocumented workers or, in the case of death, to family members in the United States. But many Mexicans in Gainesville don't know this—or are too afraid to seek aid.

"As undocumented workers, it's difficult for us at a time like this. We have less rights," said Jaime. "We always live in fear the company might report us, or send immigration after us."

LOW-COST CHANGES IN THE LINE HELP WORKERS, COMPANY

(By Scott Bronstein)

CANTON, GA.—Seaboard Farms, the nation's eighth-largest poultry company and the second-leading poultry farm based in Georgia, has taken an industry lead in adopting measures to keep its workers safer.

One result seems to be a more loyal work force.

"Whenever we had a problem with workers who were in pain, we tried to get the machine fit the person, instead of asking the person to fit the machine," said David R. Bleth, a safety expert who formerly worked at Seaboard and the man directly responsible for designing most of the company's recent changes.

In most plants the turnover of on-line employees can be as high as 300 percent a year. The turnover this past year at Seaboard was about 70 percent, three times lower than several years ago—at a plant where the work force jumped from 400 to 800 in the last decade to handle increased processing of chicken.

At Seaboard, as at many other plants, whole areas of the line where workers have manually removed much of the meat from carcasses are being automated or redesigned to reduce the potential for worker injuries.

SIMPLE—AND EFFECTIVE

But Seaboard has gone a step further. The company hired three full-time industrial engineers specializing in workplace safety and instituted "complaint" sessions for workers to air what bothered them physically about their jobs. The engineers listened, then made changes. They were simple and inexpensive. But more than anything, they were effective.

Among them:

Leaning posts, or resting platforms resembling tilted stools, were custom-designed and installed throughout the plant's slaughterhouse. Now, workers who once stood all day can rest their weight on a support post. Cost: $15,000.

Hydraulic lifts—to raise and lower work stations or counters in the slaughter plant where workers handle chickens—were installed in several areas. Now, employees can personally adjust the area where they work, in some cases avoiding the need to bend to what had been uncomfortably low positions. Cost: $6,500.

The "wheels" where chicken wings are placed to be cut up on a machine were redesigned to bring them closer to workers. Now, they no longer need to extend their reach far out over the machine as they place the wings. Cost: $800.

The counters over which workers had to lift chicks in the chick room were tilted. Now, workers who had complained about pain in their left shoulders need not reach up as they place the just-inoculated chicks in trays to be sent to grow-out houses. Cost: $700.

Conveyor belts where frozen chicken breasts once stacked up, waiting for workers to grab them, now flow into chutes that end in plastic bags. Workers need only close the bags, instead of also having to reach up and grab the meat. Cost: $40,000.

Automatic tool-sharpening boxes, more common in the industry today, have been placed throughout the processing area. Now, workers who need sharper tools no longer have to rely on fellow workers assigned to come around to sharpen the blades.

"THIS IS THE FUTURE"

Seaboard officials say the changes have paid for themselves and resulted in a more productive work force. They eventually will be made at all Seaboard plants.

"We feel we have to make these kinds of changes," said Steve Bass, general manager of Seaboard's Canton plant. "If the changes mean someone doesn't get hurt, it's worth our while."

In an industry where competition is fierce and any solution to the growing number of worker injuries is highly valued, Seaboard's changes have not gone unnoticed.

"This is the future, right here," said J. Craig Wyvill, program director for Georgia Tech's agricultural technology research program, which works closely with the poultry industry to improve safety and efficiency.

"The poultry companies today are starting to learn that they have to take responsibility for the plant and the workers inside it," Mr. Wyvill said.

THERE'S A CATCH TO CATCHING BIRDS: IT'S HAZARDOUS TO THE HEALTH

(By Scott Bronstein)

ELLIJAY, GA.—Overhead lights switch off, faint red lights switch on, and in the dim hue Steve Crawford, 26, wades into a white sea of 25,000 chickens. Bending over, he sweeps his right hand under a chicken, grabs its scaly foot between his fingers, then grabs another the same way.

He stands and switches the two birds to his left hand, shoving them between the pinkie and ring fingers. He bends again, grabs two more, rises, and slides them between the next two fingers. Within a few seconds he has 10 chickens hanging by their feet, wedged between the fingers on his left hand. He bends again to grab three more birds between the knuckles of his right hand.

Mr. Crawford walks over to a freezer-sized metal cage and throws them into one of 15 small compartments. Seven other Seaboard Farms "catchers" work with him in the 400-foot-long chicken house.

Every night, thousands of chicken catchers like Mr. Crawford fan out in the nation's grow-out houses and begin their nightlong harvest, seizing chickens by their feet.

Virtually every chicken eaten in the United States today has been caught manually by the 8,000-odd chicken catchers like Mr. Crawford, who perform one of the most difficult—and perhaps most hazardous—jobs in the entire industry.

The unusually high levels of organic dust and bacterial endotoxins in the air in chicken houses present "an acute health hazard and should be reduced," according to a federal study published in the American Journal of Industrial Medicine in February.

Catching is also one of the industry's truly backbreaking jobs. By the time his eight-hour shift ends at 3 a.m., Mr. Crawford and the other catchers will each have grabbed about 5,000 chickens; to do that, they must bend over some 2,000 times a night.

The fleshy part of the catchers' fingers, where rings would normally rest, look like thick, squashed cigars, covered with calluses and knots. They are hard and scaly to the touch, very much like the thousands of scaly chicken feet that are wedged between them each and every night.

But more than anything, chicken-catching is a hazard to the catchers' lungs. Air in the chicken houses is thick with the stench of ammonia and feces, making it difficult to breathe. The litter the chickens walk on traps ammonia and other gases, as well as organic dust that contains excrement, insect parts, microorganisms and microbial toxins.

Of catchers surveyed for the federal study, 86 percent reported at least one acute respiratory symptom, with as many as one-third suffering chronic severe shortness of breath, coughing, wheezing or eye irritation. The study also showed that catchers suffer significantly higher rates of chronic phlegm and wheezing than non-exposed blue-collar workers.

With "continued exposure," they may risk chronic lung disease, the researchers warned. They urged further research into long-term effects.

The industry has long sought to automate the job, but machines used to gather the chickens often bruised or mangled them. No machine could match the ability of men and women to grab the birds only by the scaly part of their feet, avoiding the tender, easily bruised legs.

The catchers are paid relatively well for the industry—about $350 per week—and many stay on the job a long time. David Shirley, 26, who works in a crew with Mr. Crawford, has been a catcher for 15 years. "I was in school when I started," he said. "It's all I've ever done."

MEXICAN WORKERS TAKE UP THE SLACK IN POULTRY PLANTS

(By Scott Bronstein)

When federal immigration authorities raided a half-dozen Georgia poultry plants in March, they said the mass arrests of undocumented workers, deportations and indictments would open up 500 jobs for Americans.

Two months later, more than 300 undocumented workers have been deported to Mexico, a dozen indicted on charges of using false documents, and the jobs have been filled—by still more Mexican workers, some of whom immigration officials believe may also be illegal.

"We did not fill all those jobs with local people," said Steve Bass, general manager of the Seaboard Farms plant in Canton, where nearly 100 undocumented workers were arrested during the raids.

"Some of the jobs were filled with Anglos, but many were with Hispanics again. The

thing is, those jobs would not have been available to the Hispanics in the first place if people around here had taken them. But they often won't take them," Mr. Bass said.

The poultry processing jobs are among the lowest paid and most hazardous manufacturing jobs in the United States. Many companies in the industry, which is moving to eliminate as many production line jobs as possible through automation, have little incentive to improve pay or working conditions. Others, under the spur of federal citations and fines, are taking measures to improve conditions.

Under the new Immigration Act passed by Congress in 1986, the U.S. Immigration and Naturalization Service has the authority to impose stiff fines against employers who knowingly employ undocumented workers. The last raid was conducted on March 27. None of the companies have been charged so far.

In the two years since the law went into effect, at least 50 other Georgia companies have been fined in excess of $1.5 million for employing undocumented workers, said Neil Jacobs, assistant director of the INS in Atlanta. But none of them were poultry plants, he said.

"For us to charge a company for hiring these people, we'd have to prove the company knew their documentation was fraudulent. It's very difficult to do."

"IT WAS EASY TO GET WORK"

Some Mexican workers arrested in recent raids said the chicken plants asked them for little identification before they were hired.

Berta Barajas-Garcia, 21, was among those arrested in a raid at the Cagle's Inc. poultry processing plant in Atlanta in February. She told INS agents she was asked for a Social Security number when she applied. She made one up.

Ms. Barajas waded across a river near Tijuana at 2 a.m., Nov. 2, 1989, and came straight to Georgia to seek work at Cagle's. She had heard the company frequently hired undocumented Mexicans. At the plant, she weighed 10-pound bags of chicken breasts eight hours a day for a year, until her arrest.

"Cagle's didn't ask me for anything else. They didn't ask me to show any real documentation," said Ms. Barajas during an interview with INS agents before she was deported back to Mexico. "It was easy to get work at Cagle's without papers."

The same was true for Antonia Ramirez-Luna, 21, who crossed the border into Brownsville, Texas, about midnight on Feb. 21 of last year. When she applied at Cagle's, she, too, was asked only for a Social Security card, she said. "I borrowed one from somebody," she said in an interview with INS agents.

Other arrested workers offered similar stories.

FAKE IDS FOR UNDERAGE BOYS

Some of the poultry plants, such as Zartic Inc. in Rome, had unknowingly violated state labor laws by hiring boys—undocumented Mexicans not old enough to work, authorities said.

"We did find youngsters underage working at the poultry plants," said Mr. Jacobs of the INS. But, he explained, the companies cannot be charged because the workers had fake documents that disguised their age.

"All the youngsters had fraudulent documentation raising their age," he said.

Within 48 hours, the Mexicans were flown to Texas and marched across the border. But many had been in the United States before and said they planned to return soon.

"Many Mexicans, even those who are legally here, are living in fear now," said Flexi Cosme, the director of Hispanic social services at St. Michael's Roman Catholic Church in Gainesville. "They are worried because INS has singled them out. Many of them are afraid that just by being Hispanic, they are in jeopardy or might be discriminated against."

Graciela Gonzalez was a human cog in the automated production lines that feed America's appetite for cheap chicken. She died mangled by a high-speed machine that sorts frozen chicken fillets in a Gainesville poultry plant. Her children still don't know she is dead. Their father tells them she is at work.

Daily, poultry workers risk illness or injury on the production lines. Steve Crawford in Ellijay damages his lungs breathing the fog of organic dust and bacterial endotoxins inside the chichen houses where he works. Priscilla Aldrich in Elberton, Elizabeth Burke in Macon, Eula Moses in Cusseta, and Willie Sue Morelock in Canton now have crippled hands and wrists caused by poultry jobs.

The industry employs thousands of people in small towns throughout the South. The workers are predominantly women. Their work is more hazardous and pays less than coal mining or construction.

Industry officials acknowledge the injuries. They look to eliminate them by eliminating the jobs through even greater automation, with the likely result that contamination of chicken caused by such machinery will become more severe.

Mrs. Gonzalez was 26 when she died—one of thousands of undocumented Mexican workers in Gainsville who work in poultry plants. For them, to complain about working conditions is not only to risk losing their job, but also to court deportation. When hundreds are arrested and deported, hundreds more take their place.

In Gainsville—the Chicken Capital of the World—false papers and the fear of immigration agents are part of daily life. And if, like Mrs. Gonzalez, the immigrants are killed on the job, the employers may not even know their names.

READERS ASK: "WHAT ARE WE SUPPOSED TO DO?"

(After last Sunday's publication of Part 1 of this project, many readers called reporter Scott Bronstein with further questions. Highlights of those—and Mr. Bronstein's responses:)

Q: "We can't eat shellfish because of pollution. We can't eat beef, because it's high in cholesterol. And now we find chicken, which we've been living on, is no good. What are we supposed to do?"—Patty Rubin, east Cobb.

A: Prepare poultry carefully. At a minimum, raw chicken should be stored so drippings from the package do not come into contact with other foods. After cutting or handling meat, thoroughly clean cutting board, knife, counter and hands with hot soapy water. Always cook chicken very thoroughly, ideally so that inside of meat reaches a temperature of 170–180 degrees Fahrenheit.

Q: "Where do we go to buy clean chicken? I have a chicken I bought Saturday, and I can't even cook it. Were some companies cleaner than others?"—Pat Cannon, Smyrna.

A: USDA inspectors interviewed at 37 processing plants, including the eight largest U.S. poultry processors, described the same problems and did not indicate that any company was any better or any worse than others.

Q: "It's an outrage. And I blame the federal government. Millions of people have been getting ill from chickens, and the government isn't doing anything about it. We deserve better."—Andre Maison, Snellville.

A: Consumer advocates in Washington agree. They say consumers should demand a congressional investigation of poultry inspection. They say the government must create a standard for how much bacteria is unsafe, then must require that chicken be tested for microbiological pathogens before sale. They also say federal employees—not the companies—should do the inspections.

Q: "It's terrible the inspectors can't do their jobs. I have to say I'd much rather pay a higher price for the food I buy to be sure that I'm putting safe food on the table. Are turkeys safer than chickens?"—Sylvia Overcast, Atlanta.

A: Consumer advocates say that turkey processing plants have similar inspection systems and have similar problems.

Q: "We all want to know if kosher chicken is any safer."—Betty Skoke, Atlanta.

A: Consumer advocates say that kosher chicken, as well as free-range chicken, stands a good chance of being freer of dangerous bacterial contamination.

Q: "I was wondering, just how safe is beef and pork?"—Ken Rogers, Atlanta.

A: USDA tests show that up to 10 percent of red meat tested is contaminated with salmonella bacteria, which can cause food poisoning, compared with up to 80 percent of chicken. Red meat is higher in cholesterol than chicken.

Q: "One inspector suggested we not buy "cut-up parts." But is the purchase of a whole chicken any safer?"—James J. Macie, Jonesboro.

A: Industry studies show that cut-up parts are becoming increasingly popular with consumers, but in interviews 70 USDA inspectors said many of the cut-up parts come from "salvage" operations and may be diseased or unwholesome. Most inspectors who still eat chicken said they prefer to buy whole chickens.

ABOUT THIS REPORT

This special report was researched and written over four months by Scott Bronstein and photographed by Michael A. Schwarz. The project was supervised and edited by Robert Lee Hotz and copyedited by Sharon Bailey. Graphics were designed by Duffy Dolan. Pages were designed by Jay Scott and Phil Gast.

Mr. Bronstein, 33, joined The Atlanta Journal-Constitution in 1987. Earlier, he worked at The New York Times and Agence France-Presse in Paris. He received a master's degree from the Columbia University Graduate School of Journalism. Mr. Schwarz, 33, has been a photographer at the newspapers since 1987. He was chosen by Life magazine as one of the country's outstanding young photographers that year.

WHERE TO WRITE

Sen. Wyche Fowler Jr. (D-Ga.), Member, Senate Agriculture, Nutrition and Forestry Committee, 204 Russell Senate Office Building, Washington, DC 20510-1003, phone: (202) 224-3643.

Rep. Charles Hatcher (D-Ga.), Member, House Agriculture Committee, 2434 Rayburn House Office Building, Washington, DC 20515-1002, phone: (202) 225-3631.

Sen. Howard M. Metzenbaum (D-Ohio), Active in consumer legislation, 140 Russell Senate Office Building, Washington, DC 20510-3502, phone: (202) 224-2315.

Sen. Patrick J. Leahy (D-Vt.), Chairman, Senate Agriculture, Nutrition and Forestry

Committee, 433 Russell Senate Office Building, Washington, DC 20510-4502, phone: (202) 224-4242.

Locally: Georgia Department of Agriculture, Tommy Irvin, commissioner, 19 Martin Luther King Jr. Drive, Atlanta, Ga. 30334, phone: (404) 656-3685.

HOW TO PROPERLY COOK CHICKEN

Raw chicken should be stored so drippings from the package do not come into contact with other foods, especially fresh vegetables or fruits. After cutting and handling meat, thoroughly clean cutting board, knife, counter and hands with hot soapy water before touching any other food.

Always cook chicken to internal temperature of 170-180 degrees Fahrenheit.

ROASTING, BROILING, STEWING, FRYING

Visual signs meat is safe: Juices run clear; meat is not pink, but it is very tender; leg moves freely in socket of whole bird.

GRILLING

Special precautions: Carry chicken outside to grill only just before cooking; only cook amount to be eaten. Meat shouldn't sit out in sun; coals should be hot, covered with gray ash; partial cooking in oven or microwave must only be done just before grilling. A second, clean plate should be used to remove meat afterward; on a grill, food often looks well-done on outside, yet is undercooked inside.

Visual signs meat is safe: Make cut in meat to be sure it is well-done; juices run clear; meat is not pink.

MICROWAVE

Cooking instructions: Cover the dish; rotate the dish several times during cooking; check internal temperatures in several places after cooking; cooking times vary depending on wattage of oven.

SPECIAL HOTLINE

If you have any questions about the safety of the chicken you buy, call the USDA hotline: 1-800-535-4555—Source: U.S. Department of Agriculture.

CONSUMER INFORMATION

Several consumer groups have been active in lobbying for stricter poultry inspection and other changes to enhance the safety of food products.

Public Citizen Health Research Group, (Ralph Nader group), Gerald Kuester, 7th Floor, 2000 P St. NW., Washington, DC 20036, phone: (202) 872-0320.

Foreman and Heidepriem, Carol Tucker Foreman, 1112 16th St. NW., Suite 750, Washington, DC 20036, phone: (202) 822-8060.

Community Nutrition Institute, Rod Leonard, 2001 S. St. NW., Suite 530, Washington, DC 20009, phone: (202) 462-4700.

Government Accountability Project, Christy Law, 25 E St. NW., Suite 700, Washington, DC 20001, phone: (202) 347-0460.

"MY HANDS JUST DON'T WORK NO MORE"

(By Scott Bronstein)

Eula Moses of Cusseta is back at work, four months after surgery for carpal tunnel syndrome, at the Cargill Inc. plant in Buena Vista. For four years, she trimmed meat from chicken carcasses, every three seconds grabbing a chicken with her left hand and scissoring away meat with her right. Last fall her left hand began hurting badly. A plant nurse prescribed hot packs, ice packs and pain relievers as treatment of the pain. Eventually, her thumb and three fingers went numb. Dr. Colin McKenzie in Columbus operated in January; the company paid. A company spokesman said Cargill tries "to be sensitive and responsive" to carpal tunnel syndrome. Mrs. Moses, 30, went on workers' compensation, and her income dropped from $214 to $142 a week while her husband, Charlie, recovering from a broken ankle, was getting $106.67 in workers' compensation. With two young sons, $150 in rent, and $800 a month in bills for groceries, utilities and a car loan, money has been tight. Now, she's back at work, deboning thighs at the rate of about 1,200 an hour, 9,600 a day, 48,000 a week. And her hands are beginning to hurt again. "If I could get a job somewhere else, I would. But right now, I'm stuck here."

Pricilla Aldrich pulled slippery, raw chicken skin from carcasses with her bare hands every six seconds during four years on the line at the Seaboard Farms plant in Elberton. She made $158 per week. Her hands were in constant pain. "I couldn't open a can, I couldn't even turn a mustard jar," she said. Supervisors switched her to another job on the line, placing wings into a cutting machine every few seconds. Her hands got worse. Dr. Jim Roderique (at left) eventually diagnosed carpal tunnel syndrome, and in January of this year he operated on both hands. Disabled, Ms. Aldrich had to quit; she says the company paid her a settlement of $20,000. Seaboard officials won't comment on the case other than to say she "voluntarily resigned." A mother of five, Ms. Aldrich says she stayed as long as she did because she needed the job so badly. "I forced myself to stay there. This was the only job around here, and I had no way to pay the rent. Being so desperate, you got all these kids, you have to feed them." She hopes to find new work. "But there's not many jobs around here. And who wants to hire a 43-year-old woman with screwed-up hands?"

Elizabeth Burke's left hand went numb after just six months of pulling skin on a poultry processing line. "Sometimes when you would touch it, it would feel like electricity was shooting through it and up into my arms," she said. After diagnosing carpal tunnel, Dr. Charles L. Ridley Jr. of Macon operated in late January. Today Ms. Burke says she can still barely move her thumb. Before the surgery, the sturdy production worker made $180 a week at the Cagle's Inc. plant in Macon. On workers' cmpensation, she receives $146. Ms. Burke, 45, a single mother of three teenagers thinks the poultry work ruined her hands. The company declined to comment. "The chicken plant has no sympathy for people," says Ms. Burke. "All they care about is the production of their birds. They treat their chicken better than they do their workers."

Willie Sue Morelock of Canton knew she was in trouble 18 months ago when she began dropping things. She had worked in North Georgia chicken plants since the age of 12. But on the verge of retirement, she found she could not longer hold scissors to cut chicken. She couldn't lift corn bread in a frying pan at home. She dropped so many glasses she bought plasticware instead. For a number of years she had trimmed chicken breasts at Tip Top Poultry Inc. in Marietta, at $5.25 an hour. Doctors said nerves in both wrists had been "crushed flat." They told her without surgery she'd lose all use of her hands permanently. "There I was trying to make a living, using my hands. And then I'm losing the use of them on account of it." The company paid for surgery on both hands last year. But today she still has trouble. "My hands just don't work no more. I'd have to say I'm crippled, really." And, at 59, she's jobless. "At my age, what other job can I do? Who will hire me?" she asks. Tip Top won't discuss her case because it is "still pending."

[From the Arkansas Democrat, Apr. 21, 1991]

CONSUMERS HAVE BONE TO PICK ON PRODUCT SAFETY

(By Jane Fullerton)

Poultry consumers face a massive public health threat triggered by the relaxation of federal regulations and industry standards, critics contend and studies show.

Up to 76 percent of raw chickens in grocery stores may be infected with salimonella and other harmful bacteria that contribute to hundreds of deaths and millions of illnesses annually, government studies document.

The final product is no different than if you took a bird . . . stuck it in the toilet and then ate it," said Gerald Kuester, a former U.S. Department of Agriculture microbiologist.

Industry and government officials adamantly defend the safety and quality of poultry, bristling at charges the products may be harmful.

"We sort of feel it's a shame that we get such a black eye because we do such a great job," said Dr. Ken May, former head of Holly Farms' chicken operations and now a consultant to the National Broiler Council, a Washington-based industry association.

Health officials, consumer advocates and industry critics contend the bacterial problem has taken on staggering proportions and threatens to grow. That affects not only the consumers who have chosen poultry as the nation's favorite meat, but the industry that pumps almost $2 billion and more than 85,000 jobs into Arkansas' economy.

Industry executives and government officials recognize that the potential for a bacterial problem exists but they contend the problem is overstated. They assert proper handling and thorough cooking are the only certain ways to eliminate the health threat.

Critics charge the USDA continues to downplay connections between its relaxed poultry inspection regulations and increased poultry bacterial contamination. They say the agency has disregarded not only consumer advocates and health officials, but censored its own studies highlighting the problems.

Officially, the USDA acknowledges more than a third of the chickens that reach consumers are contaminated with salmonella, a bacteria that can cause not only common diarrhea, but serious illness and even death.

However, unpublished government studies obtained by the Arkansas Democrat from a former USDA scientist show poultry plants contaminate from 58 percent to 76 percent of chickens with salmonella bacteria during processing. Some USDA inspectors have claimed the contamination rate could be as high as 90 percent.

Federal inspectors, who guard the quality of the nation's food supply, contend they are frequently harassed by poultry companies' management and questioned by their own government bosses. They say they have little chance to examine the sometimes pus-filled and tumor-ridden birds as they speed by on processing lines at rates as high as 91 birds a minute.

And the inspectors charge USDA health regulations are violated routinely throughout the industry, including in Arkansas processing plants.

Critics contend this outdated inspection system, which has changed little since the 1960s, includes few safeguards to prevent contamination from bacteria, feces or filth.

But industry and USDA officials staunchly defend the nation's food supply—and particularly poultry products—as the safest in the world.

"Meat and poultry is the most inspected food in the world, bar none," said Jim Greene, a spokesman for the USDA's Food Safety and Inspection Service. "The meat and poultry industry is the most regulated industry in the country.

Mark Simmons, chief executive officer of Simmons Industries, said the industry works to keep its plants clean and its products wholesome. Simmons' company, based in Siloam Springs (Benton County), has been a frequent target of criticism.

The majority of the people in the industry are concerned about the quality of the product and want our customers to have confidence in it," he said.

FLAWS REVEALED

A five-month investigation by the Democrat has found:

The nationwide number of food poisoning cases grows each year, with 47,812 cases of salmonella reported to the national Centers for Disease Control in 1989.

That represents a 41.8 percent increase from 1980 and a 116.4 percent leap from 1970. Health officials estimate the actual number of salmonella cases reaches up to 4 million a year.

In 1987, 105 salmonellosis deaths were reported to the CDC. Health officials estimate the actual number of deaths to be between 1,000 and 2,000 each year.

New evidence suggests salmonella and other food poisoning is particularly threatening to people with depressed immune systems and can actually trigger the onset of AIDS in an HIV-positive person.

Several studies show bacterial contamination in raw poultry remains greater than the USDA's officially acknowledged rate of 35 percent. That rate increases as the birds move through the processing system, the studies also show.

The National Academy of Sciences lent credibility to industry detractors when it criticized the poultry inspection system as outdated, calling for significant changes to focus on preventing rather than merely detecting bacterial contamination.

"(T)he weight of the evidence suggests that the current program is not effectively protecting the public health," the Academy said in a 1987 report. 'Major changes are required in the poultry inspection system if public health is to be protected."

A lax USDA attitude toward inspection in the 1980s allowed such problems to intensify, critics believe. They point to a 1981 comment by Robert Bartlett, an official with the agency's Food Safety and Inspection Service, as signaling the onset of a decade of deregulation:

"The political climate is such that the special interest groups supporting the meat and poultry industry have won and now have the ear of Washington. They 'paid their dues' and are now in the driver's seat."

During the 1970s and 1980s, the USDA implemented two significant changes in poultry processing that critics say contribute to the bacteria problem: faster processing line speeds and washing feces-contaminated birds rather than trimming or condemning them.

A USDA plan to remove much of the responsibility for poultry inspection from the federal government and place it with the companies was shelved a few years ago. But critics contend a new Agriculture Department plan, currently under study, is the first step toward allowing the industry to regulate itself.

Meanwhile, Kuester, poultry inspectors, plant workers, consumer advocates, health officials, scientists and others say the bacteria problems are increasing, threatening to kill and sicken even more consumers.

"Within the scientific community, poultry contamination is recognized as the major food safety problem."

After leaving the Agriculture Department, Kuester began working with Ralph Nader's consumer watchdog group, Public Citizen.

OFFICIALS DEFEND QUALITY

Ultimately, critics contend the poultry industry—crucial to the economy of Arkansas, the nation's No. 1 poultry producer—could be threatened by a consumer backlash.

Industry and government officials repeatedly assert they are doing all they reasonably can to ensure a safe product. They claim the charges come from dissatisfied labor groups, alarmist consumer advocates and disgruntled inspectors fearful of losing their jobs if the inspection system is changed.

They contend the poultry industry delivers one of the world's safest, cleanest and healthiest food supplies—and at a low price.

"The industry is very aware of consumers," said Ken May of the National Broiler Council. "Of all the agricultural products produced in the United States, the poultry industry is the most aware of consumer concern."

Salmonella is not a major problem if poultry products are handled and cooked correctly, Dr. Michael Rosenstein, director of veterinary and technical services for Hudson Foods Inc. told the Democrat earlier. He also said there is not widespread consumer demand for a cleaner product.

"My own personal opinion is that the human species has lived with salmonella for millennia," Rosentein said. I just can't get real excited about the poultry industry getting rid of salmonella. . . . If you handle the product right, you don't have anything to worry about."

John Tyson, vice chairman for operations of the Springdale-based poultry giant. Tyson Foods Inc., contends the bacteria issue has been blown out of proportion.

"We set standards higher than the USDA regulations," he said. "There are some places where it's almost like a medical environment. It's hard to get it any cleaner.

"Everybody in the food industry works their rears off to make sure we have the safest food chain in the world."

A CONTAMINATED SYSTEM

Critics maintain the bacterial problems are spread throughout the poultry producing and processing system.

Although bacteria can be present on any poultry product—such as turkeys, Cornish game hens or ducks—much of the criticism and most of this report focused on the broiler chicken industry.

For some chickens, salmonella contamination occurs before they reach the plant. Estimates vary for the number of chickens with salmonella present in their systems when they enter a processing plant, although bacteria are present on the skin and feathers of most birds.

But when they leave those plants, the number of salmonella-contaminated birds has leaped. Officially, the USDA acknowledges at least 35 percent of the birds reaching consumers are tainted with bacteria.

Even the USDA confirms that bacterial contamination multiplies significantly in the processing plant.

"Cross-contamination is always a problem on any slaughter line," says Jim Greene, the USDA spokesman.

PLANT CONDITIONS VARY

The tales from the processing plant told by government inspectors and plant workers could turn even the strongest of stomachs. Their stories evoke images of "The Jungle," Upton Sinclair's controversial account of turn-of-the-century meatpacking.

These stories are not isolated. Dozens of plant workers and government inspectors from Arkansas to North Carolina describe similar conditions wherever they work.

From 1987 to 1990, the Government Accountability Project, a Washington-based government watchdog and whistleblower advocate, presented sworn statements to Congress from 150 federal inspectors and plant workers in more than a dozen states representing most of the major poultry companies.

More than two dozen inspectors and workers recounted their experiences for the Democrat. Many of them did not want their names used because they fear recrimination from the USDA or their employers.

These accounts are representative of the problems described for the Democrat. No particular company was cited as uniformly good or bad. Several sources noted that conditions vary from plant to plant, even within a company.

The people describe from first-hand experience instances of birds being allowed to pass inspection that were infected with cancerous tumors and scabs, oozing with pus, tainted with manure, dead when they arrived at the plant, or picked up from dirty floors.

Others say the plants where they work are clean and the chickens are wholesome.

MORE STORIES

Stories from the Tyson plant in Rogers cropped up repeatedly. That plant processes what is referred to as "light fowl," egg-laying hens past their prime. The meat is cooked and used for diced products such as dumplings and soup.

Estes M. Philpott, who retired in November after more than 30 years as an inspector, worked at plants throughout Northwest Arkansas.

Of the Tyson plant at Rogers he says: "That's the biggest garbage of them all."

Another Arkansas inspector who has worked at that plant said the federal inspectors joke among themselves that "any self-respecting dog wouldn't eat this."

Tyson officials point out that comparisons between the birds processed at Rogers for use in diced products and the top-quality broilers processed elsewhere for retail sale are not fair.

"From the nutritional and food safety aspect, they're just as clean and wholesome as broilers," said Ellis Brunston, Tyson's corporate director of technical services. "But aesthetically-wise, that's not the same quality meat."

Brunton, who oversees the company's quality assurance laboratories, pointed out the hens are heavier and older than broilers which are bred specifically to produce high-quality meat.

"We're really talking about apples and oranges," he said. "It's like comparing a dairy cow versus a relatively young steer."

Estes Philpott, the retired inspector, also cited an incident that occurred Nov. 23, 1990, at the Simmons Industries plant in Siloam Springs when a load of chickens infected with the respiratory disease air sacculitis arrived.

As Philpott was sorting the sick birds, he said the plant's chief inspector told him not to condemn any. But Philpott said he condemned more than 915 birds from an estimated 80,000. Each of the other five inspectors also condemned dozens of birds.

Many plants use "lung guns" to suck the infection from the lungs and salvage such

birds. But Philpott and other inspectors say the infection is not limited to the lungs, but that pus and material that "looks like phlegm" spreads throughout the bird's body.

"That's one of the worst things people can eat," Philpott said.

He stopped eating chicken about 15 years ago.

MAGGOTS FOUND

A former worker at the Tyson plant in Neosho, Mo., described what happened when another worker found maggots on a chicken being processed. The plant processes chicken for products such as soups and stews.

The worker recalled a plant supervisor arriving. The manager picked the maggots off the bird and flicked them from his hand.

The chicken continued along the processing line.

"He didn't make no effort to check the meat," the worker said.

The former Tyson worker no longer eats chicken. "Once I seen how their quality control was, I don't eat their product anymore."

Ellis Brunton, the Tyson offficial, reacted to the Neosho story with shocked disbelief.

"That's just not a likely scenario. I don't think that would happen," he said. "You can probably get all kinds of horror stories from any company."

Brunton pointed out that such practices are not in the company's best interests.

"We try to stick to our business of providing a safe product that consumers can have a lot of faith in," he said. "Our whole reputation is based on that. Food safety—that's the foundation you build on."

A worker at a former Holly Farms processing plant in Wilkesboro, N.C. said quality has decreased since Tyson bought the company nearly two years ago.

The worker said supervisors with Tyson have become more concerned about keeping the number of condemmed chickens low, to the extent they put rejected chickens back on the processing line.

"Our quality has went to zilch since (Tyson) took over," the worker said.

OTHERS DEFEND PLANTS

In addition to stories about the birds, these workers and inspectors also describe plants infested with roaches, flies and maggots. They tell of floors, from which chickens are retrieved, covered with manure, urine, chewing tobacco, dirt and other filth. They explain how condensation from rusting pipes drops on the birds along with peeling plant and metal shavings.

However, others interviewed say the plants in which they work are as clean as possible, given the messy business they conduct.

"I think we have a really nice plant in comparison with what some of the others are supposed to be like," said a worker at the Peterson Industries plant in Decatur (Benton County).

Sam Shrum worked at the Simmons Industries plant in Southwest City, Mo., for three years ending in November 1989. In addition to that plant, the company operates two processing plants in Siloam Springs and one in Jay, Okla.

The Missouri plant was placed under an intensified federal regulatory program in 1987 following revelations about plant conditions and USDA violations.

In a sworn affidavit filed with the Government Accountability Project, Shrum described the conditions at the Missouri plant—after the company successfully completed the intensified inspection program.

Shrum said the company did not regularly clean the chill tank where chickens are cooled in a common bath after processing. "Blood, grease, fecal contamination, oil, fat, feed, pus and mucus falls into it all the time," he said.

He went on to describe the plant's insect problems.

"When I left, the bugs often were out of control," he said. "Maggots came out of the walls and swarmed into the kill room. We'd spray the walls to try and keep the numbers down."

Officials with Simmons have steadfastly rejected such allegations, saying the company has been unfairly portrayed. Mark Simmons calls some of the charges against his company "damn lies."

During a March tour of the Southwest City plant by a Democrat reporter and photographer, none of the conditions described in Shrum's affidavit were apparent.

No maggots were visible in the kill room or elsewhere. The water in the chill tanks had the reddish tint of blood from the chicken carcasses.

A federal inspector working there also defended the plant's cleanliness: "I have never seen a cockroach in that plant. They have an excellent sanitation program."

The inspector said the USDA's intensified inspection program helped ease tensions between the government inspectors and the plant management.

"It scared them enough that they started listening to the USDA then," the inspector said. "Before, they hadn't. It was just a constant battle."

Although much attention focused on Simmons' Missouri plant, those familiar with the industry contend it is no different than most plants. They believe USDA officials made Simmons a scapegoat to shift attention from other plants.

LESS THAN 2 SECONDS

The inspectors' chief complaint is the rapid speeds at which the birds move on the processing lines.

The USDA line systems allow birds to move at rates of 70 to 91 per minute with two or three federal inspectors examining them. That gives inspectors less than two second to examine each chicken.

For instance, at Simmons' Missouri plant, the processing lines move at 91 birds a minute with three inspectors examining every third bird.

When it comes down to it, you're still talking about 30 to 35 birds a minute," said Jim Greene of the USDA's inspection service.

Virtually every federal inspector, plant worker, consumer advocate or health official interviewed cited the fast line speeds as contributing to the high rates of bacterial contamination.

The chickens simply move too quickly for the inspectors to see evidence of disease or bacterial contamination, they contend.

"Less than two seconds per bird doesn't give you too much time," said Ethel Reed of Siloam Springs, a retired inspector.

In 1986, an Arkansas chapter of the American Federation of Government Employees surveyed its members on poultry inspection issues. More than 75 percent of the 103 USDA inspectors responding said they felt line speeds were to fast.

Company employees agree with the inspectors that rapid line speeds hinder spotting bad chickens.

"Our main problem up here is the lines move so fast we can't do our jobs," said a worker at the Peterson Industrial plant in Decatur.

But industry and USDA officials dispute criticism of the fast line speeds. the systems were thoroughly tested for effectiveness before implementation. Green said.

"None of these programs are entered into haphazardly." he said.

In addition, Greene said the chief inspector of each plant has the authority to stop or slow the lines if something is wrong. Lower level inspectors have the authority to stop the line for emergencies, but cannot slow it.

OTHER PROBLEMS

But federal inspectors say the system doesn't always work that way.

In the survey of Arkansas inspectors, 61.2 percent said regional or national USDA supervisors had overturned the chief inspector's decisions that were unfavorable to the company, such as whether to pass or condemn birds.

The survey also found:

74.8 percent said they were asked to pass birds they previously would have condemned.

57.3 percent said they had been harassed by plant management.

60.2 percent said plant workers removed USDA tags indicating birds to be retained or rejected, a criminal violation.

"Behind our backs, yes, it goes on. It sure does," said an inspector who has worked at Hudson Foods and Simmons plants. "If it wasn't for inspectors, you wouldn't know what you were eating."

SELF-REGULATION?

Despite such stories, a USDA plan in the 1980s called for eventually shifting inspection duties from federal inspectors to the poultry processing companies. Although this self-regulation plan ultimately was rejected, critics contend that mindset remains.

"What do you think the industry is going to do if they have total control?" one inspector, who has worked at Simmons and Hudson plants, asked. "They're going to pick stuff up off the floor, sell stuff that's contaminated.

"They are there to make a profit. The USDA inspection service is there to make sure they produce a quality, wholesome product," he said. "Those are two conflicting ideas—one is to make money; one is to ensure quality. That's where the rub is."

But the industry contends it could be hurt worse if it did not ensure the highest possible product.

John Tyson sums up his company's position on food safety succinctly: "We put our name on it."

Tyson Foods, as well as several other companies, offers an unqualified guarantee for customer satisfaction on all its products.

"That's where we feel comfortable that we're doing our best to ensure food quality," he said. "It's Don Tyson's personal guarantee."

PROBLEMS CONFIRMED

Government studies support contentions of problems in the U.S. poultry production and processing system.

In 1987, the USDA began studying the correlation between increased line speeds and bacteria contamination rates at a Puerto Rico processing plant.

The agency has never released its findings and the study is still continuing. But a censored preliminary report documents a 24 percent increase in salmonella contamination rates after the firds are processed—to a 76 percent contamination rate coming out of the chill tank.

Former USDA microbiologist Gerald Kuester analyzed the results of that study. In his report he outlined up to 50 points during processing where bacterial contamination could occur. He ended his paper with a

recommendation of placing warning labels on packages to alert consumers to the dangers they face if chicken is not handled carefully and cooked properly.

Kuester said he was told by his USDA superiors the report could not be published "because the industry won't like it."

Kuester's report never was published. A comparison with his original draft shows that what was published was a watered-down version without the call for warning labels.

Following that incident Kuester said he was forced out of the job he held for 10 years with the Agriculture Department.

"They didn't want to hear it," Kuester said. "They didn't want to deal with my recommendations."

Jim Greene, the USDA spokesman, disputes the salmonella contamination rate cited by Kuester.

"We dispute it because we have no solid data that shows the contamination rate was that high," he said.

The USDA plans to release some findings from the Puerto Rico study within a year, Greene said. "Then those numbers can be picked by everybody."

A 1988 USDA study of five processing plants in the Southeast found contamination levels of 58 percent—before the chickens went into the chill tank, where further cross-contamination can occur.

That study has never been published.

Another USDA study showed washing—even 40 times—does not control or remove bacteria.

Another USDA study found the rate of salmonella contamination increases by as much as 28 percent in the chill tanks, where birds are cooled after processing.

TESTING PRIMITIVE

Underlying the criticism of poultry processing is the fact that today's system for inspecting poultry—as well as the systems for inspecting other meats—relies primarily on the senses of sight, smell and touch rather than scientific testing to determine bacterial contamination.

Critics of the present system—including two former Agriculture Department officials who oversaw the inspection service—believe the inspection system must catch up with the industry's technological advances and consumers' skyrocketing demand.

One problem is that today's tests for bacterial contamination take several days. By the time the results are known, the poultry has been shipped and, perhaps, eaten.

Arkansas native Carol Tucker Foreman is a former U.S. assistant agriculture secretary who oversaw the inspection system during the Carter Administration. She also is the sister of Lt. Gov. Jim Guy Tucker.

"I think the inspection system needs to be updated so that it deals with present-day problems and present-day strategies," she said.

Foreman's assertions are echoed by Rodney Leonard, who oversaw the inspection system during the Johnson Administration and now heads the Community Nutrition Institute in Washington.

These critics have even suggested dismantling the inspection system and reorganizing it under consumer control. Since the Reagan administration, the inspection system has been overseen by the assistant agriculture secretary whose other primary responsibility is marketing.

NEW APPROACH

A 1987 report by the National Academy of Sciences also criticized the poultry inspection system as outdated. Although the report stopped short of advocating abandoning the traditional bird-by-bird inspection system, it said that system should be supplemented by random sampling for bacterial and chemical contamination.

"(T)he committee believes that the present system of inspection provides little opportunity to detect or control the most significant health risks associated with broiler chickens," the report stated.

Dr. Morris Potter, a veterinarian specializing in public health for the Centers for Disease Control, was a member of the committee that issued that report.

"We have to get the outsides off and the insides out without contaminating the whole bird, and we haven't done that," he said. "We almost purposely pound feces into their skin so as many people as possible get sick."

The USDA is now studying an approach outlined in the Academy's report. The plan calls for identifying and eliminating trouble spots in poultry production and processing.

Ellis Brunton, Tyson's quality assurance chief, said the company has begun to implement some aspects of the new approach in its plants.

"I think it is the wave of the future," Brunton said. "I know there are some people that oppose that, but I think it makes scientific sense."

But critics contend the USDA plan is a step toward letting companies regulate themselves. They fear it could increase, not decrease, the number of contaminated birds reaching consumers as federal inspectors move into an oversight role, rather than a hands-on role.

STILL AT RISK

In short, evidence indicates consumers may put their health at risk when they make poultry a part of their diet. Critics say that risk will remain until consumers force the poultry industry and the Agriculture Department to produce chickens with less bacterial contamination.

"If consumers want it, industry will produce it," said Morris Potter of the federal Centers for Disease Control. "So far, consumers haven't said, 'We want lower salmonella rates.'"

One Arkansas inspector agreed: "I don't think people are really aware of the potential danger. They don't know what's going on."

But consumers have become aware of salmonella and the problems associated with it. In 1988 comments at a poultry processors' workshop in Minneapolis, the head of USDA's Food Safety and Inspection Service acknowledged poultry is a "significant vehicle of food-borne bacterial poisoning."

"Neither industry nor government can ignore the concerns that are being expressed," Dr. Lester Crawford said. "The American people now know how to pronounce salmonella, and they associate it with poultry. We have to ask ourselves honestly if, in light of current knowledge, these concerns are not justified."

In the long run, Leonard believes lack of consumer confidence in the safety and quality of poultry could halt the increased consumption of poultry and the increased profits of the multibillion dollar industry.

"If the poultry industry becomes identified as a source of contaminated and high-risk foods, that will eventually show up in the marketplace," Leonard said.

The poultry industry also has considered that possibility.

"From an economic standpoint, we want our products to be safe," said Ken May of the National Broiler Council.

Despite their strong positions, the critics insist they don't want to put the poultry industry out of business; they just want to improve its product.

"The industry has responsibility to make sure they produce the cleanest product possible," said Leonard. "To do otherwise is simply to be so dominated by greed, that they're indifferent to the conditions they're creating.

"With that kind of mentality, the only thing they're going to understand is that they'll be hurt in the pocket-book if they don't take some responsibility for the health and safety of American consumers."

Carol Tucker Foreman praises the poultry industry's innovation. That's why she believes the industry can solve its problems—if it chooses.

"When I was growing up in Arkansas, we used to raise chickens in the backyard," she said. "Now we have this fascinating industry that can do anything it wants.

"So the only conclusion is that they don't want to clean it up. I believe this industry can do anything it wants."

[From the Arkansas Democrat, Apr. 21, 1991]

POULTRY INDUSTRY: SUCCESS AT A PRICE

(By Jane Fullerton)

The poultry industry—the backbone of Arkansas' economy and a model of agricultural efficiency—has grown from a backyard hobby to a corporate conglomerate in just a few decades.

Fifty-five years have passed since John Tyson, poultry pioneer and patriarch, hauled his first load of chickens from Springdale to Chicago.

He earned $265.

Since then the $15 billion poultry industry has been nurtured along by the likes of John's son, Don Tyson, as well as James Hudson, Bo Pilgrim and Frank Perdue, visionary capitalists who took a Depression-era campaign slogan—a chicken in every pot—to heart with a vengeance.

In Arkansas, poultry and egg production generate nearly $2 billion in revenue every year. Politicians often mention that one of every 12 Arkansans depends on the industry for a livelihood.

Few people dispute the poultry industry's financial success or the state's economic benefits. But some people contend such gains come with a high price tag.

Critics say the price is paid by:

Poultry consumers, who risk their health at the dinner table as the increase in salmonella cases parallels the increase in poultry consumption.

Plant workers, who earn among the lowest wages in manufacturing industries and have some of the highest risks of job-related injury.

Contract farmers, who risk their long-term financial security by mortgaging their homes for short-term production contracts with poultry companies.

Ultimately, critics contend, the price may be paid by the poultry industry, which risks losing consumer confidence and corporate profits.

The industry critics who spoke with the Arkansas Democrat include former U.S. Agriculture Department officials, current and former USDA poultry inspectors, health officials, consumer advocates, farm and labor leaders, political observers, and poultry workers and farmers.

It is ironic that at the same time unprecedented technological progress has catapulted poultry production and processing into the 21st century, words from a previous era like

"slavery" and "serf" punctuate the tales told by plant workers and contract farmers.

In this report, the Democrat will examine the poultry industry from production to processing to consumption. It will look at how the industry affects consumers, farmers, workers, taxpayers and politicians.

In researching this report, the Democrat interviewed more than 100 people associated with the poultry industry in Arkansas, in Washington and across the country. The Democrat also examined thousands of pages of studies, reports and documents pertaining to the industry.

[From the Arkansas Democrat, Apr. 21, 1991]

FASTER PROCESSING; MORE CONTAMINATED BIRDS?

(By Jane Fullerton)

The live chickens, leaving a trail of white feathers, arrive about a dozen to each 3.5-square-foot cage loaded on tractor-trailer rigs.

Fresh from the farm, they are ready to journey through the processing plant—beginning as chickens, ending as ready-to-cook fryers or ready-to-eat products.

The life of today's disease-resistant, feed-efficient, genetically-engineered broiler chicken lasts just nine weeks from egg to McNugget.

This account of the inner workings of a processing plant is based on observations from visits to poultry plants. In March, an Arkansas Democrat reporter and photographer toured two Simmons Industries processing plants, one in Siloam Springs (Benton County) and one in Southwest City, Mo.

Although Simmons' Missouri plant was the target of criticism in a 1987 segment on CBS television's 60 Minutes, the tour was intended only to provide an overall impression of how a poultry processing plant works.

This account also is based on descriptions from industry observers, plant workers and federal inspectors as well as information from the U.S. Department of Agriculture, the National Broiler Council and the National Academy of Sciences.

After forklifts unload the birds, conveyor belts carry them into an eerily dim room. With lighting designed to calm the disoriented animals, they are hung in shackles by their feet on the kill line. The chickens are stunned with an electric shock, then their necks are slit with a device similar to a circular saw.

Once the chickens have been slaughtered, they are dipped in a scald tank. The water, 125 to 140 degrees Fahrenheit, loosens the feathers.

Dirty birds—covered with manure, salmonella, parasites and feed—mix with clean birds. When they are dipped in the scald tank, the contamination from even a single bird can spread to the others. USDA studies have shown the hot water kills some, but not all, bacteria.

Former USDA microbiologist Gerald Kuester and other critics have called for separating the birds before they are processed, slaughtering clean ones first and dirty ones last.

"Until USDA requires a critical control point to check poultry for salmonella before slaughter, the rest of the process will be a guessing game," Kuester said.

Ellis Brunton, corporate director of technical services who oversees Tyson Foods' quality assurance programs, said researchers have investigated flock separation. But such a measure might not justify the work required.

"It sure will not eliminate salmonella," he said. "The overall effect would be * * *

POUNDING PLUCKERS

Next, the chickens move to the picking machine, where thousands of rubber "fingers" pummel the birds to remove their feathers. Here critics contend the picking equipment spreads contamination among the birds while it pounds the dirt, feces, bacteria and other contamination into the skin and meat.

Kuester and other critics advocate steaming to loosen and remove the feathers, a proactice used in some European plants. But such a move is not favored by the industry because the process can leave the birds discolored and the skin burned.

The USDA defends the American technique in its literature:

"In the 1960s, the defeathering systems were first criticized as a possible contamination source. However, the only existing alternative is hand plucking of feathers—a time-consuming, labor-intensive alternative that would greatly raise the cost of poultry and is not proven to be more effective . . . in reducing bacterial contamination."

After the feathers are removed, the heads and feet are cut off. Workers rehang the birds on the processing line, which carries them to the eviscerating room.

EVISCERATION

Here the birds' internal organs are removed. Depending on the size of the birds, workers reach into the body cavity to revmove the organs by hand or, most commonly, mechanize equipment pulls the organs out.

The automated equipment first approved in the early 1970s, coupled with line speeds that zip the chickens through processing plants at speeds up to 91 birds a minute, has allowed the industry to push its production past six billion birds a year.

Simmons, the 18th largest broiler company, processes 1.9 million chickens a week. Its Missouri plant processes 830,000 birds every week.

Tyson Foods Inc., the world's largest poultry processor, slaughters 24.5 million birds a week.

The machines tend to rip the flesh and tear the intestines, say consumer advocates, federal inspectors and plant workers. The intestinal contents, frequently contaminated with salmonella and campylobacter bacteria, spill on the carcass. Then the machines can spread the contamination to subsequent birds.

"By contamination, I am specifically referring to fecal matter, worm eggs, parasites and undigested food," Albert Midoux, a retired federal inspector in Northwest Arkansas and southwest Missouri, said in a sworn statement presented to Congress.

Ellis Brunton of Tyson acknowledged the equipment can rupture a bird's internal organs. But he said, and the USDA agrees, such problems can be minimized by adjusting the equipment, sizing the birds and training the work * * *

ON THE LINE

At the next stage, USDA poultry inspectors examine the birds, ensuring they are fit for human consumption by looking for signs of disease, defect or contamination.

This step allows poultry companies to sell their products stamped with the USDA inspection seal—trusted by consumers as a symbol of quality since 1957.

The inspectors work alongside company employees who trim problem areas from the chicken carcasses at the inspectors' direction. The plant workers also look for cosmetic defects.

But the inspectors contend they don't have time to adequately examine the birds. And the plant workers say they don't have time to do their jobs, including preparing the chickens for the inspectors to view.

The chickens whiz past the inspectors and workers at rates of 70 to 91 birds a minute. Such speeds are faster than the approximately 50-birds-a-minute rates used by the industry until new USDA systems started in the late 1970s and early 1980s.

With two or three inspectors per processing line, the system allows between 1 and 1.5 seconds to look at each bird. As a result, the inspectors say—and the plant workers agree—more contaminated and diseased chickens are allowed to reach consumers.

But USDA and industry officials say the number of birds each inspector must scrutinize has remained constant since the 1960s—about 35 birds a minute. When inspection began in 1957, each inspector examined 17 to 20 birds a minute.

"I don't think we really have imposed more risk," said Ellis Brunton of Tyson. "I say that from our own testing as well as USDA testing."

There is no established scientific link between faster line speeds and increasing salmonella contamination.

In a 1987 report on poultry inspection, The National Academy of Sciences said although current evidence indicates faster line speeds may not increase contamination, more studies are needed to determine the impact on public health.

However, the Academy's report also said, "It appears that little attempt has been made to evaluate inspection methods and line speeds with regard to fecal contamination, microbiological quality and public health impact."

In addition to the faster line speeds, the number of inspection personnel has not kept pace with the pounds of poultry to be inspected.

A December 1990 report by the federal government's General Accounting Office found the USDA's inspection service had 6 percent fewer staff members in 1989 than in 1980 as well as 3 percent less funding.

TYPICAL FUNCTIONS OF AN INTEGRATED BROILER FIRM

1. Breeder hens and males are purchased from primary breeder companies as day-old chicks. When these hens lay eggs, the production process begins.

2. The eggs are taken to a hatchery. They are cleaned, checked and incubated, hatching on the 21st day. Within hours, the chicks are checked and vaccinated.

3. The young birds are moved to grow-out houses, where more than 99 percent of broilers are grown under contracts between a farmer and a company. The environment in a typical 16,000-square-foot house is carefully controlled for proper heat and ventilation. The 20,000 birds receive sustenance from automatic feeders and waters. It takes about 6.5 weeks for the birds to reach a typical market weight of 4.3 pounds.

4. When the birds reach market weight, the company sends catching crews and trucks to load and transport the broilers to the processing plant. Here, the birds are slaughtered, processed and made into market-ready products. Only 18 percent of broilers leave the plant as whole birds.

5. About 56 percent of broilers are sold as cut-up chicken or selected parts. About 26 percent are further processed into such items as nuggets, entrees, battered and cooked chicken, or other convenience products.

6. Fresh chicken can reach the retail meat counter the day following processing. Most

chicken arrives within three days of processing. The "sell-by" date on each package is usually seven to 10 days from processing.

7. In 1989, U.S. consumers ate an average of 68.6 pounds of chicken per capita. By 1995, the National Broiler Council projects that figure will rise to 87 pounds, with a total for all poultry of 110 pounds—nearly half of all meat consumed.

8. Left-over chicken parts, including heads, feet and feathers, are processed into chicken, pet and livestock feed. However, some waste—such as dead birds, chicken litter, sludge and waste water—is created during chicken production and processing.

9. The feed mill supplies feed to chicken farms, completing the cycle by using the excess chicken parts to provide the feed needed to grow more chickens.

[From the Arkansas Democrat, Apr. 21, 1991]

PROPOSALS FOR ENSURING CLEAN CARCASSES VARY

(By Jane Fullerton)

As salmonella cases and poultry consumption continue to increase, industry observers cite several options to reduce or stop bacterial contamination on poultry.

These suggestions come from both industry supporters and detractors. They range from irradiation to warning labels to simply separating clean birds from dirty birds before processing.

However, many of the proposed solutions would require changes in poultry processing that could result in higher prices for chicken at the grocery store.

"If we increase the price of food 5 percent, (low income people) are going to have to eat 5 percent less," said Dr. Morris Potter, a veterinarian with the federal Centers for Disease Control, who has studied the poultry industry for the National Academy of Sciences.

"We don't want to harm the nutrition of the nation's poorest people as we try to make the food supply safer for the rest of us."

Although the price tag would vary, industry officials agree cost would be a crucial consideration in modifying the methods or equipment used to slaughter and process the birds.

Some consumer advocates say any cost increase would be nominal—a few pennies per pound.

"The wholesale price of poultry might go up 10 percent—4 to 6 cents a pound," said Rodney Leonard, a former assistant secretary with the U.S. Department of Agriculture, now with the Community Nutrition Institute in Washington.

"That's not a major cost increase compared to the cost of beef."

In addition to changes in plant technology and processing procedures, these are among the suggestions being discussed for reducing bacterial contamination on poultry products:

IRRADIATION

One of the most effective methods for eliminating bacteria on poultry products is exposure to radiation.

The controversial technique was approved in 1990 for use on poultry products. It also is approved for use on other food products including pork, fresh fruit and vegetables, wheat and flour, nuts, spices and teas.

Proponents contend that if consumers want a bacteria-free food supply, irradiation is the answer. But opponents contend not enough is known about the long-term health effect of irradiation and the toxins the process may produce.

Regardless of the debate about irradiation's safety, the poultry industry is not likely to employ a technique that comes with so many questions and worries so many consumers.

"We have never seriously considered it," said Ellis Brunton, corporate director of technical services for Tyson Foods Inc. "I just don't think consumers or Tyson are ready for that, and I think I speak for the entire industry."

Researchers at the University of Arkansas, funded by the USDA, are studying a method of passing mild electrical charges through water in which raw chicken is soaking.

The procedure has been shown to kill salmonella and other bacteria in the water. The researchers also are working on ways to kill the bacteria on the birds' skin. If the procedure can be successfully adapted, it could be used to reduce or eliminate cross-contamination during processing.

The researchers, Dr. Carl Griffis and Dr. Michael Slavik, have applied for a patent for their procedure.

"This project has the potential for a major impact on the industry," said Griffis.

COMPETITIVE EXCLUSION

Under this theory, "good" bacteria are introduced into the chicken so there is no room left for "bad" bacteria, such as salmonella. The concept is being studied by the USDA and others in the poultry industry.

Researchers are studying several ways to introduce the beneficial bacteria: injecting it into the egg or adding it to the feed within a few days of hatching or within two weeks of slaughter.

Of all the possible methods for reducing bacterial contamination now being researched and discussed, Brunton said this one showed the most promise.

"There's good evidence to show it looks like a possibility," he said, although it remains in the research stage.

WARNING LABELS

Just as cigarettes and alcohol carry health warnings, some consumer advocates favor placing similar warning labels on chicken.

Such a label would go beyond advising consumers of proper handling techniques by outlining the health risks associated with poultry products if those guidelines are not followed carefully.

Gerald Kuester, a former USDA microbiologist who studied bacterial contamination of poultry, has been an outspoken proponent of warning labels. He contends the USDA censored his calls for labels because they were deleted from a report prior to publication.

However, other industry critics believe warning labels are an ineffective way to inform consumers. Potter said people may not understand, accept or react to the warning.

"If we label chickens as hazardous, people will say, 'Oh, hell, there's nothing safe to eat,' and ignore all warning labels," Potter said.

Industry officials hold a similar view. While they oppose warning labels, they point to consumer education programs undertaken by groups such as the USDA and the National Broiler Council.

About 70 percent of raw, retail poultry products now carry labels explaining how to handle and cook poultry, May said.

"We take the positive view and say here is how to handle the product. We are not real excited about putting a warning on. As an industry, we do not think it's necessary."

[From the Arkansas Democrat, Apr. 22, 1991]

DAY 2: RISK TO HEALTH—POULTRY BLAMED FOR HEALTH PROBLEMS

(By Jane Fullerton)

As the nation's appetite for poulty increases, critics point to an alarming array of health problems, ranging from a few days of nausea to life-threatening infection, caused by bacteria commonly found on poultry.

The increase in health problems, critics believe, not only threatens consumers, but the health of the poultry industry—Arkansas' largest industry and leading employer.

Ultimately, critics contend concern about the long-term health effects of bacteria related illnesses may leave the poultry industry vulnerable to consumer backlash. That could affect Arkansas, the nation's leading poultry producer.

Government and industry officials contend the health risk is exaggerated. Poultry products are perfectly safe, they say, if handled properly and cooked thoroughly.

But health researchers and industry critics point to these staggering statistics about salmonella:

It sickens up to 4 million Americans annually.

It kills up to 2,000 people each year.

It may hasten the onset of AIDS.

It is particularly threatening to infants and the elderly, groups vulnerable to illness.

It can cause short-term problems such as diarrhea or long-term problems such as arthritis.

It has been documented on 35 to 76 percent of chickens tested.

In addition, studies show campylobacter, another bacterium that causes many of the same health problems as salmonella, occurred in up to 83 percent of chickens tested from grocery stores. Nearly half the reported cases of campylobacter have been linked to poultry.

Several additional types of bacteria sometimes found on chicken can cause other problems, ranging from spontaneous abortions to meningitis. One of these bacteria has a higher death rate than botulism.

And new evidence indicates bacteria associated with food poisoning may hasten the onset of AIDS.

Food poisoning caused by salmonella and other bacteria can occur when eating raw or undercooked poultry and egg products, as well as other food products of animal origin. It also can occur when bacteria are transferred from the poultry to another surface, such as a kitchen counter.

Poultry industry officials downplay such problems, saying they can be controlled by conscientious consumers. While they acknowledge the potential for bacterial problems exists, officials contend the health threat can be eliminated through proper handling and cooking procedures.

"All you have to do, like your mother told you, is cook the dadgum thing," said John Tyson, vice chairman of operations for Springdale-based Tyson Foods. "Then the problem is solved."

INCREASES PARALLEL

But health reseachers and industry critics believe the jump in food-borne illness cases mirrors the increase in poultry consumption.

Salmonella reports rose 41.8 percent during the 1980s and leaped 116.4 percent between 1970 and 1989, according to the Centers for Disease Control in Atlanta.

Meanwhile, poultry consumption grew at a nearly identical rate of 41 percent during the 1980s. The per-capita amount of poultry eaten climbed from 17 pounds in 1940 to more than 85 pounds in 1989.

"The combination of chicken consumption increasing and salmonella cases increasing translates in my mind to a reasonable conclusion that contamination on chicken meat is a public health concern," said Dr. Morris Potter, a public health veterinarian with the CDC who served on a National Academy of Sciences committee examining the poultry inspection system.

Additionally, unpublished government studies have shown salmonella to be present in up to 76 percent of chickens after processing. The U.S. Agriculture Department officially says 35 percent of raw chicken is tainted with the bacteria, although no bacteria are allowed on cooked products.

Government and industry officials point out that salmonella is found throughout the environment—on people, on animals, in the soil, in the water, virtually everywhere.

Don Allen, executive vice president of the Arkansas Poultry Federation, said the salmonelaa issue has been blown out of proportion.

"There's not a lot of people that know anyone who's had salmonella poisoning," he said.

"We were raised on chicken and eggs," Allen said of his family. "Everyday I eat two eggs or more. I'd hate to think of how much chicken I've eaten. And none of us have ever had salmonella poisoning."

But industry critics and health officials warn the poultry industry could be hit hard if consumers realize the potential health threat of salmonella and other bacteria.

They note the consumer reaction to what health officials view as the less-threatening problem of food toxins. The consumer uproar about alar in apples led to a government ban on it use.

Compounding the situation is the projected growth of some of the populations most susceptible to the effects of food-borne illness—the elderly and those with immune deficiencies. Consequently, health officials believe the problem will grow.

"People for years have thought of it as a bellyache. It clearly is more than that," said Carol Tucker Foreman, a cosumer advocate and former U.S. assistant agriculture secretary in charge of meat and poultry inspection. The Arkansas native is the sister of Lt. Gov. Jim Guy Tucker.

CASES UNDERREPORTED

Salmonella is a bacteria common throughout the environment. The National Broiler Council, a Washington-based industry association, points out salmonella can be found in soil and water, as well as in the intestines and on the skin of humans, animals and birds. The bacteria's prevalence makes it difficult to pinpoint the source of salmonella or the number of cases attributable to poultry. But the National Academy of Sciences, in a 1987 report on poultry inspection, said "numerous epidemiological studies document a major role for broiler chickens as a vehicle for salmonellosis in humans."

The number of cases of salmonella—which first emerged as a public health problem in the 1940s—has grown steadily since the Centers for Disease Control began compiling national figures in 1960. That reflects the nation's appetite for poultry, which also has inceased steadily since the 1940s.

In 1960, there were 6,929 reported cases of salmonellosis, excluding the strain that causes typhoid fever. That figure grew to 22,096 cases in 1970 and to 33,715 cases in 1980. For 1989, the most recent statistics available, CDC reported 47,812.

What those figures don't reveal is the true number of salmonella infections. Health officials estimate the salmonella cases reported to the CDC represent about 1 to 5 percent of actual cases.

CDC officials estimate 800,000 to 4 million people contract salmonellosis each year. Most cases are neither diagnosed nor reported, they say.

While many people get sick because of salmonella, a few die.

In 1978, there were 79 deaths attributed to salmonellosis. By 1987, the most recent year for which statistics are available, the number of deaths had increased by 32.9 percent to 105.

However, health officials believe the number of salmonella deaths is greatly underreported. The CDC estimates the actual number of salmonella deaths to be between 1,000 and 2,000 each year, primarily striking the elderly and infants.

CAMPYLOBACTER RISK

In addition to salmonella, health officials are concerned about the rising incidence of campylobacter infections, first isolated in humans in 1972. Like salmonella, campylobacter primarily causes diarrhea, but can lead to more serious health problems.

The most recent CDC data covers the five-year period from 1982 to 1986. With 11 states participating in 1982, there were 4,031 campylobacter cases reported to the CDC. By 1986, 39 states reported 10,021 cases.

CDC officicals report most campylobacter cases are related to raw or undercooked poultry. CDC studies found handling raw poultry, as well as eating poultry, was a risk factor.

The National Academy of the Sciences' report said studies of chickens in grocery stores found campylobacter on 12.5 to 82.9 percent of chickens tested.

Campylobacter "has been found at many points during slaughter and processing, and a signficant proportion of the broiler chicken carcasses available for retail sale carry the microorganism," the report said.

"Epidemiological studies suggest that at least 48 percent of campylobacter cases are attributable to chicken."

For persons with immune deficiencies, food-borne illness poses a serious health threat. As more people live longer with AIDS, "food-borne agents will play a greater role in the premature termination of life," the FDA's Douglas Archer said at a February 1990 meeting of the American Association for the Advancement of Science.

"There is reason to believe that infections with bacterial and viral agents, including some associated with food, may actually hasten the progression of HIV infection to AIDS," he said.

Archer noted the Department of Health and Human Services has a goal by the year 2000 to decrease the incidence of four food-borne bacteria—salmonella, campylobacter, listeria and E. coli. All four are found on poultry products.

BACTERIA AND TOXINS

The problems associated with common bacteria pose a more serious health threat to the American public than the problems associated with toxins, pesticides or chemicals in their food, said the CDC's Morris Potter.

For instance, Potter said, when consumers believed alar in apples threatened their health, they stopped buying those apples and grocery stores started selling alar-free apples.

Ultimately, the Environmental Protection Agency banned the use of alar.

Issues like alar elicit a greater response from the public because they represent an unknown health risk, Potter said. Diarrhea, on the other hand, is something people are familiar with.

"I think there are all kinds of reasons why people should be more concerned about salmonella as compared with toxins," he said. "We can show them bodies of people injured by plain ol' bacteria. But it's hard to show them damage from eating alar apples."

Rodney Leonard agreed. He is a former Agriculture Department official who oversaw the inspection system and now heads the Community Nutrition Institute in Washington.

People will take the issue of bacteria-contaminated food more seriously when they realize the ramifications for their health, Leonard said.

"Once the middle class realizes if they have food poisoning, they may end up with arthritis or some other problem," he said, "they're going to turn on this with a vengeance."

POULTRY FACTS

In 1962, 4.361 billion pounds of broiler chickens were slaughtered, with 15.2 percent cut-up and 2.0 percent further processed. In 1987, 15.502 billion pounds of broilers were processed, with 56.8 percent cut-up and 22.1 percent further processed.

In 1960, 79.8 percent of broiler chickens were produced in the South. By 1989, the South's share grew to 87.4 percent.

The leading poultry and egg producing states are: Alabama, Arkansas, California, Delaware, Georgia, Maryland, Mississippi, North Carolina, Pennsylvania, Texas and Virginia.

In 1988, Arkansas farmers could produce 4-pound broiler chickens in six weeks on less than 2 pounds of feed per pound of live weight. In 1935, it took 16 weeks to produce a 2.9 pound broiler, and 4.5 pounds of feed per pound of live weight were needed.

Broiler chicken production increased from 34 million in 1934 to about 6 billion in 1990. Output increased in all but five of the past 50 years, with significant increases since 1975.

More broilers currently are produced in a single day than the entire annual output in 1930.

The number of U.S. farms producing broiler and other meat-type chickens dropped from 42,185 in 1959 to 27,645 in 1987. At the same time, output rose from 1.4 billion birds in 1959 to 4.4 billion in 1987.

Farms raising at least 100,000 birds increased from 2,254 in 1959 to 14,473 in 1987. Those farms captured 93 percent of total sales in 1987.

Poultry housing units are becoming increasingly automated and climate-controlled. Such housing improvements—combined with better breeding, feeding and disease-control—have cut broiler chicken production time by two weeks in the past 10 years.

A typical broiler chicken house is roughly 40 feet by 400 feet, or about 16,000 square feet, containing 20,000 birds.

In 1960, there were 286 firms selling commercially raised chickens to retailers. In 1989, there were 48.

In 1960, the 20 largest companies controlled 47 percent of the industry's output. In 1990, the 20 largest companies had 79.3 percent of the market, while the eight largest had 56.6 percent. The four largest companies—Tyson Foods Inc., ConAgra Inc., Gold Kist Inc. and Perdue Farms Inc.—produced 41.2 percent of the chicken sold in the United States.

In 1989, Arkansas' cash receipts from poultry and eggs totaled $1,888,624,000—accounting for 12.6 percent of the nation's total poultry recipts.

In Arkansas, that accounts for 46.9 percent of the state's total farm receipts. Of that total, 78 percent comes from broiler chickens, 12 percent from eggs, 9 percent from turkeys and 1 percent from chickens other than broilers.

POULTRY INSPECTION IN THE UNITED STATES

1906: The Meat Inspection Act is passed.

The law followed the uproar over Upton Sinclair's expose on the meatpacking industry, The Jungle. It did not cover poultry inspection.

1926: The Federal Poultry Inspection Service is established.

The voluntary inspection program, begun in the New York City area, was designed to help localities in their inspection programs.

1957: The Poultry Products Inspection Act is enacted.

It was the first federal law mandating poultry inspection and covered products destined for interstate commerce. The law called for inspection of birds before and after slaughter, inspection of plant facilities and inspection of imported products.

1968: The Wholesome Poultry Products Act is passed.

If amended the 1957 law to require inspection for virtually all poultry sold to consumers, including products not covered under the previous law.

The law did not make significant changes in the poultry inspection process. A 1987 study by the National Academy of Sciences reported no major changes have been made in poultry inspection laws since 1968, despite the more than tripling of the pounds of poultry inspected.

1989: The U.S. Department of Agriculture withdraws plans for a revamped poultry inspection system.

The "Discretionary Inspection" proposal would have required amending the federal laws that mandate every bird to USDA inspected. The self-regulating plan would have turned over much inspection responsibility to the poultry industry, with federal inspectors overseeing the process. It also would have allowed line speeds up to 182 birds a minute—twice as fast as current speeds.

1989: In October, the USDA announces plans to implement a new approach to poultry and meat inspection, the "Hazard Analysis and Critical Control Point System."

A two-year study of the plan begins, including public hearings, workshops, testing and evaluation.

1991: The USDA continues studying the new inspection program.

Following the study, which is more than half complete, the USDA plans to implement the program in poultry and meat plants during the next several years.

The poultry industry praises the program as the basis for a more scientifically sound processing and inspection system. But industry critics and consumer advocates fear the program may result in less regulation of the meat and poultry industries.

[From the Arkansas Democrat, Apr. 22, 1991]

CARE IN COOKING REDUCES POSSIBILITY OF FOOD POISONING

(By Jane Fullerton)

While the feathers fly about the safety of the nation's poultry supply, consumers may reduce their risk of contracting bacteria-related illnesses with thorough washing and cooking practices.

Most health officials agree consumers can help protect themselves from salmonella, campylobacter and other bacteria by taking common-sense steps when preparing poultry: thorough washing of hands and utensils will reduce the possibility of cross-contamination, while thorough cooking will kill the bacteria.

However, some consumer advocates question the adequacy of washing as a means of getting rid of salmonella from raw poultry. They point to a Dutch study, among others, showing this practice had virtually no impact on salmonella transferred to other surfaces during cooking preparation.

Critics contend much of the poultry processed in the United States is contaminated with salmonella or campylobacter—bacteria that can induce illness and, in rare cases, death.

The U.S. Department of Agriculture acknowledges more than a third of poultry is contaminated with salmonella, but unpublished USDA studies put the figure as high as 76 percent.

The National Academy of Sciences reports studies showing campylobacter on up to 82.9 percent of chicken in grocery stores. Poultry has been cited as causing nearly half of all reported campylobacter cases.

COMMON MISTAKES

In an April 1990 memorandum, officials with the federal Centers for Disease Control listed the three most frequent problems contributing to food-borne illnesses, such as from salmonella and campylobacter. They are:

Eating raw or undercooked food from animal sources.

Contaminating other foods with the juices or drippings from raw meat, poulty, shellfish or eggs.

Leaving potentially contaminated foods for extended periods of time at temperatures that permit bacteria to grow.

Read and follow label instructions to "keep refrigerated" or "use by" a certain date.

If in doubt, throw it out.

For further information on food safety, contact the USDA's Meat and Poultry Hotline at 1-800-535-4555. A USDA home economist will answer questions Monday through Friday from 9 a.m. to 3 p.m. CST.

However, taking these precautions may not be enough, poultry industry critics contend.

Rodney Leonard, who oversaw the Agriculture Department's inspection service during the Johnson Administration, acknowledged poultry can not be completely free of bacteria.

But the industry could take steps to reduce bacteria, said Leonard, who now heads the Community Nutrition Institute in Washington.

"To prepare poultry, you have to take almost the same precautions as a surgeon has to take to prepare for surgery," he said. "And even then you can't really protect yourself."

Leonard cited a 1978 Dutch study showing that efforts to destroy salmonella by washing were not effective. The study found salmonella had transferred throughout the kitchen—to the counters, the sink, the cutting board, the salt shaker, the door handle.

"What it shows is that there is no safe way to prepare poultry," he said.

Department of Agriculture studies also have found washing—even 40 times—does not adequately remove bacteria from birds during processing.

Meanwhile, studies have shown campylobacter also can spread throughout the kitchen during food preparation.

In addition, the National Academy of Sciences reports campylobacter illness has been caused simply by handling raw chicken.

Leonard previously told consumers to follow safe cooking and handling procedures, but his advice has changed.

"Don't eat poultry," he said. "That's the only way you're ever going to convince the industry to take steps to make sure the American food supply is as clean as possible."

The National Broiler Council points out salmonella is found on other raw meat products and is widely prevalent in the environment:

"Today's poultry is safer and more wholesome than it has ever been, and our nation's food supply is the most abundant and least expensive in the world."

Such assurances offer no comfort to Leonard, who has given up on the meat.

"I love it," he said, "But I won't eat it".

The National Broiler Council agrees with that assessment. "By cooking foods properly and exercising good food handling practices, the consumer can eliminate the potential for any problem that may arise from the presence of salmonella in raw food products," the Washington-based industry group states in guidelines for handling poultry products.

LOWERING THE RISK

These steps are encouraged when handling raw poultry products, whether chicken, turkey, or other fowl:

Thoroughly wash the raw bird.

Poultry should be cooked well-done, not medium or rare, to an internal temperature of 180 degrees Fahrenheit. Use a meat thermometer to check the temperature. When poultry is cooked properly, the meat should not be pink and its juice should be clear, not pink.

Wash everything that comes in contact with the raw poultry—your hands, the cutting board, the knife, other utensils, counter tops. Use hot, soapy water. You also may want to use a diluted chlorine solution.

Consider using separate cutting boards for meats and vegetables. Some studies show salmonella can live for up to six months on a wooden cutting board. Or cover your cutting board and counters with a protective covering like waxed paper, which can be discarded after use.

Use caution to ensure the raw bird does not come in contact with other foods in the grocery bag, in the refrigerator or on the counter. Thoroughly wash any foods that might have touched the poultry.

If cooked poultry is not eaten immediately, it should be stored either hot, between 165 and 212 degrees Fahrenheit, or in the refrigerator at 40 degrees Fahrenheit or below. Cooked poultry should not be left at room temperature for more than two hours.

Do not defrost poultry at room temperature. Thaw it in the refrigerator or in cold water. It also can be defrosted in a microwave oven, following the manufacturer's guidelines.

NUTRITIONAL COMPOSITION OF CHICKEN

Cut	Protein		Calories		Total fat		Cholesterol		Sodium		Iron	
	Grams	Percent	Amount	Percent	Grams	Percent	Milligram	Percent	Milligram	Percent	Milligram	Percent
Whole	23	51	134	7	4.1	6	76	25	73	2	1.0	6
Breast	24	53	116	6	1.5	2	72	24	63	2	.9	5
Wing	23	51	147	7	5.6	8	72	24	78	2	1.0	6
Drumstick	23	51	131	7	3.8	6	79	26	81	2	1.1	6
Thigh	21	47	152	8	6.7	10	81	27	75	2	1.1	6

All figures are for a 3-ounce, baked, skinless serving.

[From the Arkansas Democrat, Apr. 22, 1991]

SALMONELLA STRIKES U.S. WALLETS

(By Jane Fullerton)

As salmonella and campylobacter infections affect millions of Americans, the resulting economic effect totals more than $2 billion annually.

U.S. Department of Agriculture studies estimate society's cost from salmonella and campylobacter—from all sources—to be more than $1 billion each every year.

Tanya Roberts, an agricultural economist with the USDA in Washington, reached the figures by calculating a wide range of costs of individuals, the food industry and health agencies.

Her figures include salmonella and camplylobacter from all sources, not just poultry.

Roberts' research showed the total annual cost for salmonella cases ranged from $983 million to $1.36 billion. She found the average cost of a salmonella case to be $700.

For campylobacter, the result was slightly higher with an estimated annual cost of $1.47 billion.

To calculate the costs, Roberts took into account such factors as: medical costs, income or productivity loss, pain and suffering, leisure time costs, child care costs and travel costs.

She also considered public health costs for disease surveilliance, outbreak investigation and cleanup.

However, the figure excludes several costs which could be significant. They include chronic health problems, lowered productivity of poultry before slaughter and legal liabilities for food-borne illness.

POULTRY FACTS

Arkansas ranks first in the nation in broiler chicken production, fourth in turkey production and sixth in egg production.

Per capita consumption of all poultry increased from 17 pounds in 1940 to 85.3 pounds in 1989. It may reach 110 pounds by 1995, while chicken consumption alone could hit 95 pounds by 2000.

As a percentage of total meat consumption, poultry increased from 11 percent in 1940 to 34 percent in 1989, with a corresponding decrease in red meat (beef, pork, lamb and veal) as a percentage of total consumption.

Broiler chicken output, under population growth assumptions, would have to increase nearly 10 percent from 1987 to 2000 simply to maintain the current per capita consumption level. A 4 percent annual increase in consumption suggests a need for more than 70 percent production expansion by 2000.

The amount of broiler chicken meat condemned by USDA Inspectors grew from 2.7 percent in 1965 to 4.0 percent in 1970, then declined to 1.8 percent in 1987. Lower condemnation rates resulted in higher percentage yields during the 1980s than during the 1970s.

Per capita consumer expenditures for poultry have more than quadrupled during the past 30 years, from $14.84 in 1955 to $63.85 in 1986.

Consumers can now buy chicken for less than half of what they paid 30 years ago if prices are adjusted for inflation. The adjusted price has gone from 68.8 cents a pound in 1955 to 22.9 cents in 1987.

In 1988, the average price per pound for chicken was 85 cents. For choice beef the price was $2.55, while pork cost $1.83.

During the past 30 years, consumers have responded to a 10 percent decline in the real price (adjusted for inflation) of retail chicken with a 13-percent increase in per capita consumption.

About 50 percent of chickens reach consumers, through grocery stores. Restaurants market more than 40 percent. The rest are exported or used for pet food.

About 25,000 nonpoultry fast food outlets have added chicken to their menus since 1977.

In 1962, more than 80 percent of chickens were sold whole. Another 15 percent were sold as cut-up parts. Less than 2 percent were further processed into prepared products—cooked, deboned, filleted, ground, smoked or formed into a product such as patties or nuggets.

By 1990, about 18 percent of chickens were sold as whole birds. Cut-up parts increased to 56 percent, while 26 percent were further processed.

The volume of cut-up chicken parts increased tenfold after 1962. The volume of further-processed chicken products expanded even faster, growing from 87 million pounds in 1962 to nearly 2.4 billion pounds in 1985. That represents a 27-fold increase in 23 years.

Nationwide, cash receipts from poultry and eggs totaled more than $15 billion in 1989.

[From the Arkansas Democrat, Apr. 23, 1991]

PROCESSING TASKS TAKE PAINFUL TOLL

(By Jane Fullerton)

When Betty Smith comes home after eight hours of trimming the cuts and bruises from chicken carcasses, she tends her own injuries.

Smith's hands and arms ache, numbed from repeating thousands of motions every day while working in a Northwest Arkansas poultry plant.

To ease the pain, she soaks her hands and arms in hot vinegar or alcohol. Then she rubs them with medicated ointment and wraps them in cloth bandages for the night.

Despite such meticulous care, when she awakens for another day on a chicken processing line, her hands remain swollen from the previous day's work.

Smith's story is becoming increasingly common among the tens of thousands of workers in poultry plants in Arkansas—the nation's leading poultry state—as well as plants across the country.

Injuries like hers, as well as other problems, are on the rise:

More than one of every five poultry plant workers—22.8 percent—suffer on-the-job injuries, according to the U.S. Department of Labor's Bureau of Labor Statistics.

Working in a poultry plant ranks as the 28th most dangerous occupation in the nation for job-related injuries and illnesses. That tops jobs in mining, farming and construction.

In Arkansas, the state Workers' Compensation Commission ranks food manufacturing—which includes the sizable fields of poultry slaughtering and processing—as the state's most hazardous industry. It's a distinction the food industry has maintained for at least the last decade.

The Occupational Safety and Health Administration has cited at least six poultry companies nationwide for employee safety violations since 1989.

For repetitive motion disorders, like those experienced by Betty Smith, the poultry industry trails only the meatpacking industry in the number of injured workers.

Like many other poultry plant workers, Smith puts up with this for a simple reason: She needs the job.

Because she fears losing her job with Peterson Industries in Decatur (Benton County), Smith did not want her real name used.

Despite their dangerous jobs, workers like Smith—who spend their days performing nasty tasks like pulling intestines from wet chicken carcasses—are rewarded with one of the smallest paychecks in the food manufacturing industry.

The Labor Department recently showed poultry workers earned an average of $6.87 an hour. That was the lowest among meat products workers, who averaged $8.02. All food manufacturing workers averaged $9.77 an hour.

Statistics also show poultry workers aren't sharing in the industry's financial prosperity and remarkable growth.

The retail price for chicken has risen twice as fast as the wages paid to poultry workers, according to a 1989 report on the poultry industry by the Institute for Southern Studies, a non-profit North Carolina public policy organization.

The report showed poultry workers in 1960 received 2.6 cents of the 43 cents a pound chicken brought at the grocery store.

By 1980, the retail price jumped 40.3 percent to 72 cents a pound, but the workers' share increased only 21.2 percent to 3.3 cents.

But the industry contends it provides jobs and opportunities the workers might not find elsewhere.

"I think we're able to offer an opportunity to folks to come in and have a permanent job and grow with the company and accumulate a capital base," said John Tyson, vice chairman of operations for Tyson Foods. "We give folks a chance to get some things in life that some other industries don't."

HAZARDOUS JOB

Industry critics compare the poultry workers' situation to another era.

"Plant workers are treated like slave labor," said a federal poultry inspector who has worked in several Arkansas processing plants.

"They're like indentured servants," added Debbie Berkowitz, director of health and safety for the United Food and Commercial Workers Union in Washington.

Betty Smith agreed: "They don't treat the people all that well."

But she will continue trimming the carcasses and wrapping her arms because, "Everybody right now needs their jobs."

After more than a decade at the Peterson plant, performing virtually every task on the processing line, the job Smith fears losing pays $6.20 an hour.

For such wages, poultry plant workers remain on their feet for eight hours a day, with few breaks, as chickens fly past them at rates topping 90 birds a minute.

The duties of their decidedly unglamorous jobs include slitting open the birds' bodies from the anus to the breast and yanking out the intestines.

The temperatures in the plants vary from the extreme heat of the scald tanks and cooking ovens to the extreme cold of the chill tanks and freezer units.

The hazards of such work are many, ranging from minor finger cuts to irritating skin rashes to chronic hearing loss.

And a growing number of poultry plant workers are experiencing the often permanent and disabling injuries associated with repeating the motions of their jobs more than 10,000 times a day.

"Every person that works in a poultry plant ought to have a front seat in heaven right next to God because they've been through hell on Earth," said Benny Dollar, president of United Food and Commercial Workers Local 425 in Little Rock.

INDUSTRY REPLIES

The poultry industry is sensitive to such criticism.

Industry leaders acknowledge the business they run includes certain hazards for workers. But, they contend, they do all they can to ensure a safe working environment.

Such practices are not only in the workers' best interest, but theirs as well, they point out. Healthy workers are more productive—and more profitable.

"The industry has been very responsive and worked very hard," said Dr. Ken May, former head of Holly Farms' chicken division and now a consultant to the National Broiler Council, a Washington-based industry advocate.

"I think it's safe now, but the industry is working to make it safer," he said. "They're not going to abuse employees because they need them. They're part of the family."

Aubrey Cuzick, a group vice president for one of Tyson Foods' four poultry divisions, agreed.

Employees, he said, are vital not only to the productivity, but the profitability of the company. He noted that Tyson, for instance, thanked its hourly employees with across-the-board 3 percent bonuses last year.

MOTION DISORDERS

Health officials, industry critics and the workers themselves believe the primary problem faced by poultry workers is the repetitive nature of their jobs. The repeated motions caused by cutting, slicing or trimming with knives and scissors can leave them with permanent and sometimes crippling disorders.

Repetitive motion problems—disorders such as carpal tunnel syndrome, tendonitis and tenosynovitis—strike not only poultry workers, but other assembly line workers who repeat the motions of their jobs quickly and frequently.

Poultry workers often repeat their tasks in less than 30 seconds, which adds up to hundreds or thousands of motions a day.

Other workers whose jobs put them at risk for repetitive motion problems include those who use computer keyboards, such as telephone operators, newspaper workers and data entry personnel.

The problems occur when muscles swell in the arms, wrists, hands or fingers, exerting pressure on the enclosed nerves. The result can be numbness, tingling or soreness with the eventual loss of dexterity of gripping ability if left untreated.

NUMBER OF CASES GROWS

The U.S. Labor Department reports repetitive motion disorders are the fastest growing category of job-related illness. The poultry processing industry has the second highest rate of cases.

In 1988, the industry reported 307.0 cases per 10,000 workers, according to the federal Bureau of Labor Statistics. By 1989, that number had grown to 527.7 cases.

In Arkansas, repetitive trauma disorders accounted for 65.8 percent of job-related illnesses in 1989, according to the Workers' Compensation Commission. That was an increase from 59.9 percent the previous year.

Although reporting has improved, some industry critics and health officials believe the actual number of cases may be higher because not all cases are diagnosed or reported.

"In general, it's a significant problem. In almost every industry, its there," said Tom Cochran, an ergonomist with the Occupational Safety and Health Administration in Washington. "In the poultry industry, there are high incidence rates of it."

Ergonomics is the science that seeks to adapt working conditions to suit workers. Cochran, one of three ergonomists at OSHA, has toured several poultry plants.

A former worker at Tyson's plant in Dardanelle (Yell County) began to notice the symptoms about four months after she started. She eventually saw a company-approved doctor who recommended wrist braces and light duty.

"It helps," she said of the lighter work detail. "But it don't make it go away. You go back to using the scissors, and it comes right back."

A worker at a Tyson plant—formerly Holly Farms—in Wilkesboro, N.C., had surgery on both hands for carpal tunnel syndrome, the most serious of several conditions caused by repeated trauma.

"I was back on the lines about 45 minutes after they finished with me," she said. "When I had to pull the fat and cut the wings, it hurt because I felt like I might be pulling my stitches."

A worker at the Peterson plant in Decatur said when he saw a doctor, who was approved by the company, he told her not to work so hard.

"When you get it, you try to pick something up with your hands," she explained. "You can't hold it. Your muscles just give out on you."

Betty Smith, another Peterson worker, said she and other workers are reluctant to seek medical help for their repetitive motion disorders because they fear reprisal or job loss.

"If you see a doctor, then you're on that list," she explained. "They know everybody that complains."

INDUSTRY TRIES TO HELP

Poultry industry officials say the industry is addressing the problem of cumulative trauma disorders in several ways.

Workers who report problems to their plant nurse, many of whom are not registered nurses, receive treatments such as:

Soaking their hands or arms in hot wax or in ice;

Pain killers, such as aspirin or ibuprofen;

Vitamins, such as B6 or B12;

Wrapping their hands or wrists in cloth bandages;

Using braces to prevent their wrists from bending.

If the problem persists, workers may be referred to a company-approved doctor. In addition to those treatments, they may receive steroid injections or undergo surgery.

Some plants also have begun rotating workers among jobs and conducting warm-up or strengthening exercises.

"We put a lot of emphasis and we're spending lots of dollars" on repetitive trauma problems, said Aubrey Cuzick, the Tyson vice president. "We really have come a long way on ergonomics."

However, both OSHA's Tom Cochran and the UFCW's Debbie Berkowitz criticized many of those treatments as ineffective.

In addition to the treatments, Cuzick said, Tyson has been actively working to reduce the number of repetitive trauma problems among its workers. At its plants in Green Forest and Berryville (both in Carroll County), for instance, the company is considering using electric knives to reduce the workers' motions.

During the company's recent stockholders' meeting, Tyson awarded its $5,000 "Grand Idea" prize to a worker from the plant in Waldron (Scott County) who redesigned a tool to reduce the repetitive motions needed to do the job.

But a worker at a former Holly Farms plant in Wilkesboro, N.C., who has had surgery on both hands for carpal tunnel syndrome, offered her own solution.

"If they prevented the mess, they wouldn't have to contend with it," she said.

LINE SPEED PROBLEM

The UFCW's Debbie Berkowitz contends repetitive trauma problems could be alleviated through simple measures: slower processing line speeds coupled with more and longer breaks.

She also advocates allowing workers to adjust their position and height to reduce strain as well as redesigning tools so they require less strain to use.

"In all the plants, the lines have speeded up, and there are fewer workers," Berkowitz said. "These people are doing too much work."

Tom Cochran, the OSHA ergonomist, offered a similar assessment.

"The real solution is to engineer the problems out," he said. "Reduce the repetitions, reduce the force and reduce the awkward postures."

Accomplishing that, he said, could mean slower lines or more workers.

"A lot of it is brought on by just pushing workers harder and harder and harder." he said.

In its industry report, the Institute for Southern Studies found poultry worker productivity increased 50 percent faster than productivity in other manufacturing plants.

The study showed that in 1960, each poultry worker produced an average of 50 pounds per hour. In 1987, each worker produced 138 pounds, a 176 percent increase.

In addition to repetitive trauma disorders, poultry workers face other hazards. Industry workers and observers cite these:

Cuts from the knives and scissors that are integral to the jobs.

One Arkansas worker needed stitches twice after cutting her fingers. "I have kind of missed the chicken liver a time or two," she said.

Other workers have lost fingers and arms to the blades and saws used to process poultry.

Exposure to temperature extremes.

Workers, who often wear thermal underwear year-round, say they have seen cases of hypothermia brought on by the cold temperatures.

A former Arkansas worker said she recently quit her job primarily because of the cold temperatures.

"I've seen it go down to right at freezing," she said. "They're supposed to keep it 50 degrees, but they don't keep it anywhere near there."

Dave Cochran, the OSHA ergonomist, noted cold temperatures also contribute to repetitive trauma disorders.

Constant wet conditions.

The wet conditions create slippery floors and compound problems from the cold temperatures.

Exposure to chemicals used during processing and refrigeration, including chlorine, ammonia and carbon dioxide.

One worker described the condensation that can form and drip on workers as well as chickens from overhead ammonia pipes.

"It just scares me knowing it's overhead," she said.

Exposure to the birds and their blood can cause skin problems, such as rashes and warts.

One Arkansas worker recounted the rash she had between her fingers: "Chicken itch, that's what they call it. It's real red, and it's irritating."

Exposure to high noise levels.

Repeated exposure to high noise levels can cause hearing loss.

COMPLAINTS OF ABUSE

Besides health and safety problems, poultry plant workers in Arkansas and elsewhere say they have been treated poorly by plant management.

Among the instances they cite:

Workers have been denied restroom breaks.

Because they work on a continuous processing line, workers cannot leave without someone taking their place. As a result, several workers recounted seeing others urinate on themselves.

"I've been refused bathroom privileges," said a worker who witnessed a woman urinate on herself. "But I never would let it get to that point. I'm too stubborn. I would've walked off the line."

Workers often see their breaks evaporate.

According to workers, observers and managers, most plants offer two unpaid 30-minute breaks per eight-hour shift. Workers usually receive one other 10-minute break.

They also are to receive emergency breaks when needed. But some workers say they have been refused emergency breaks, which are given at the discretion of the supervisor.

Company officials say that if an employee needs to leave the processing line for an emergency, they will accommodate the worker.

One woman, whose duties include filling in while workers take their breaks, said workers at her Arkansas plant are allowed about six to 10 minutes.

"If they need emergency breaks, we see to it they get it," she said.

Workers have fainted or become ill when they were not allowed to leave the processing line.

HORROR STORIES

Some of the most graphic accounts come from workers at Perdue Farms plants in North Carolina. The Maryland-based company is the nation's fourth largest poultry processor.

One former Perdue worker submitted a sworn affidavit to Congress on Nov. 16, 1989, recounting instances where workers had vomited on the processing line, urinated on themselves, lost fingers to processing equipment or were sexually harassed.

In her affidavit, Donna Bazemore, now an organizer with the Center For Women's Economic Alternatives in Ahoskie, NC., also related this experience:

"Another time a woman who had been complaining of headaches wasn't allowed to leave the line. She passed out and died right there on the line, or maybe she hit her head when she fell. I don't know.

Perdue officials were quick to reply. They sent their own statement to Congress, along with two sworn affidavits from company officials rebutting specific incidents cited by Bazemore.

They called Bazemore's charges "scurrilous," as well as "misleading, false and exceptionally damaging to the high quality standards and reputation maintained by Perdue Farms."

The Goverment Accountability Project, a Washington-based government watchdog and whistleblower advocate, supplied five additional affidavits to support Bazemore's charges of unsanitary conditions and worker abuses. Two of those affidavits came from Agriculture Department inspectors who worked at the plant with Bazemore.

In a sworn affidavit filed in January 1990, plant worker Marion White recounted her experiences with Perdue since 1987. She described her problems with carpal tunnel syndrome that led to surgery. At age 33, she said she has lost much use of her right hand.

White said she had been denied restroom breaks. "As a result, I've messed myself and the floor up sometimes. Lots of girls have, but few like to admit it. It's so horrible."

White also explained why she continued working under conditions she characterized as "modern slavery."

"Since many single mothers like myself can't support our families on the minimum wage jobs that are the only other choice, and we don't want to go on welfare, we do what we're told. That's the rule. You can't defend yourself, let alone the public health."

BELOW-AVERAGE PAY

Compounding the health and safety risks faced by poultry plant workers are the wages they earn.

Poultry industry critics and observers contend it is not coincidental the industry is centered in the South, with plants frequently located in economically depressed, rural areas.

In Arkansas, the hourly wages paid to poultry workers fell below the state's average hourly manufacturing wage of $8.26 in 1989. That figure was well below the national average of $10.47.

In its 1990 industry directory, the Arkansas Industrial Development Council reported the average earnings of the state's food manufacturing workers at $6.53 an hour.

A more specific breakdown that would provide an average hourly wage for the poultry industry is not available from the state. However, recent national figures show poultry workers earned from $6.69 to $6.87 an hour.

"They prey on those people who have to work under those conditions," said Bruce Blevins, an official with a North Carolina Teamsters union striking several former Holly Farms plants * * * Benny Dollar noted many residents in poultry producing areas who have higher levels of education do not work in the processing plants.

"If there were both jobs in the area, they would take them," he said. "They're not working in those poultry plants because they want to."

Some workers agreed with that assessment.

"It's not fun," said one Arkansas worker. "I'm there for the pay. I'm there to make money, or I wouldn't be there at all."

The Little Rock-based Women's Project spent six months in 1989 researching the state's poultry industry and talking with plant workers.

"Because plants are located in economically depressed areas, there is always a constant supply of low-income people eager for work; consequently, the plants maintain an economic stranglehold on the area and manage to place any requirements they wish on workers," the group said in a report not previously released in Arkansas.

"The $5 an hour they pay, while little more than subsistence wages, are accepted by local workers because job opportunities of any kind are so few."

The comment of one worker who spoke with the Arkansas Democrat paralleled what the Women's Project found: "For the area we live in, our pay rate is about as good as any job for the education we have."

INDUSTRY OFFERS JOBS

The poultry industry has a different viewpoint. Industry leaders emphasize they offer competitive wages and plentiful jobs in areas that otherwise might not have either.

"We've been able to go in . . . and stabilize an economic area," said John Tyson. "It's the subtle stabilization of an agricultural area."

Politicans in Arkansas frequently recite the industry statistic that one of every 12 members of the state's work force depends on the poultry industry for a job.

In Arkansas, 84,000 people are directly employed in the poultry industry with an annual payroll of approximately $1.3 billion, according to the Arkansas Poultry Federation.

Tyson Foods is the state's largest employer. Five other poultry companies also are among the state's 30 largest employers.

With related businesses, family members and contract farmers included, the poultry federation estimates more than 200,000 Arkansans—about 8.5 percent of the state's population—depend on the poultry industry for their livelihood.

However, the industry also has an unusually high turnover rate. At Tyson's Green Forest plant, for instance, the 1990 turnover rate was 92 percent, said Aubrey Cuzick.

According to the Arkansas Poultry Federation, the average poultry company employee in Arkansas earns "in excess of $17,500," before taxes, including benefits such as health insurance.

For the first six months of 1990, the latest figures available, the state Employment Security Division found poultry workers earned an average $300.50 a week, or $15,626 a year, before taxes. For 1989, the weekly figure was $296.24.

The poultry federation also says more than 4,000 new poultry industry jobs have been created in the past year. Don Allen, the federation's executive vice president, pointed to four construction projects currently under way that will add 2,000 new jobs.

Further, the poultry federation states in its literature, "More and more of them are higher-paying jobs, requiring some college, or college degrees, and offering greater opportunities for young Arkansans than has been the case in the past."

In addition, eight of the top 10 poultry producing counties in Arkansas fall in the low-

est half of county unemployment rankings. Benton and Washington counties, the top two poultry producers, have the lowest unemployment rates in the state with 3.1 percent and 3.3 percent, respectively, according to Employment Security Division figures for November 1990.

"There's not a rural person in this area that's not positively impacted by the poultry industry," said Mark Simmons, chief executive officer of Simmons Industries, based in Siloam Springs (Benton County).

The UFCW's Benny Dollar acknowledged the employment statistics. But, he contends, if the poultry industry weren't supplying those jobs, somebody else would.

"If it wasn't here, there would be another industry that didn't maim and lame people," he said.

Some industry critics contend wages and working conditions could be better if more poultry workers were represented by unions.

In its report, the Institute for Southern Studies found fewer than a fourth of poultry workers are unionized.

In Arkansas, the UFCW has waged battles in several plants and lost several certification votes. Currently, the UFCW represents workers in about a dozen plants.

The poultry industry generally has opposed unions among its workers.

For instance, a 1983 dispute between workers at Tyson's plant in Nashville (Howard County) and the UFCW culminated with union pickets outside McDonald's restaurants. That plant is a major supplier of Chicken McNuggets.

McDonald's threatened to stop using Tyson as a supplier, while Tyson threatened to lay off workers if the pickets didn't stop. Ultimately, Tyson retained the McDonald's contract, but more than 225 workers were laid off.

In a separate incident, when Tyson purchased Holly Farms in July 1989, negotiations were under way with the Teamsters Local 391 representing long-haul truck drivers at the Wilkesboro, N.C., plant.

On Oct. 1, 1989, the union went on strike against seven plants in North Carolina, Virginia and Texas. Nearly a dozen union members attended Tyson's stockholders' meeting in February, passing out handbills and seeking negotiations.

Meanwhile, the union has called for a boycott of all Tyson and Holly Farms products.

Tyson is only one of several poultry companies that discourage unions.

"We don't think we need a third party to commnicate between workers," said Mark Simmons. "We go to the trouble to communicate well enough to handle our problems—and do that well enough to not need the interference of a third party."

According to the Institute for Southern Studies report, Frank Perdue, president of Maryland-based Perdue Farms also has resisted unions.

The group's report said Perdue once turned to the Mafia to help open new markets during a union boycott of his products. Perdue recounted his experience in a 1985 deposition to the President Commission on Organized Crime.

LIMITED CHOICES

Fear of losing their jobs is common among Arkansas' poultry plant workers. As a result, many are unwilling to talk about the problems they experience, either publicly or anonymously.

Many speak of their jobs with a tone of resignation.

"I'm not unhappy with my job," said a 14-year veteran of two Arkansas plants. "I just keep thinking I could be better."

A former worker at Tyson's plant in Waldon expressed the feelings of many workers who spoke with the Democrat.

"It wouldn't been all right, but every day it get faster," she said. "Every day they demand more out of you for the same amount of money."

When she felt the conditions were too damaging to her health, she choose to leave. But, she said, many others don't have that choice: "There's a lot of people that can't get out of there."

LOWERING RISK IN COOKING POULTRY

These steps are encouraged when handling raw poultry products. For further information, contact the USDA's Meat and Poultry Hotline at 1-800-535-4555. The phone is answered from 9 am. to 3 p.m, CDT on weekdays.

Thoroughly wash all types of raw poultry.

Cook well-done to an internal temperature of 180 degrees (meat should not be pink).

Use hot, soapy water to wash everything that comes in contact with raw poultry (hands, counter tops, utensils, etc.)

Use separate cutting boards for meat and vegetables (salmonella can live six months on a wooden cutting board).

Keep raw poultry from contact with other foods in grocery bag, refrigerator or counter.

Store cooked poultry either hot (165-212 degrees Fahrenheit) or cold (below 40 degrees). Do not leave at room temperature for more than two hours.

Thaw in refrigerator, cold water or microwave, not at room temperature.

Follow "keep refrigerated" or "use by" certain date labels.

If in doubt, throw it out.

[From the Arkansas Democrat, Apr. 24, 1991]

DAY 4: RISK TO FARMERS—FARMERS DESCRIBE BARELY SCRATCHING OUT A LIVING

(By Jane Fullerton)

For nearly a quarter-century, Mary Jones raised chickens for Tyson Foods.

In 1989 the Howard County woman lost her poultry contract—and her livelihood—when she could not afford the $30,000 in equipment improvements required by the company.

Now the widow subsists on a $317 monthly Social Security check.

Jones is among the contract farmers serving Arkansas' poultry companies who contend they are locked into an impoverished system reminiscent of the Middle Ages and locked out of the industry's prosperity as it catapults toward the 21st century.

Rather than being tied to their land like the serfs of another era, some contract poultry farmers say they are indentured through short-term contracts, long-term debts and sub-minimum wages.

To grow birds for a poultry company in Arkansas, or elsewhere, farmers must be willing to:

Invest tens of thousands of dollars in state-of-the-art automated chicken houses and equipment, often by mortgaging their homes or farms.

Sign a contract with the company that guarantees them only one flock of birds at a time, about two months' worth.

Expect pay that sometimes amounts to less than the $4.25 hourly minimum wage.

"I'm losing several thousand dollars a year," said a Tyson farmer. "Some growers say that they make a little bit. But nobody's making enough to live on."

And if they complain about the low wages or try organizing an association, the farmers contend the companies will simply cut them off. That would leave the farmers saddled with empty chicken houses and massive debts.

The growers' fears are based on the knowledge that several companies—including Springdale-based Tyson Foods Inc., El Dorado-based ConAgra Inc. and Cargill Inc., which has Arkansas operations—have been accused of wrongdoing involving their contract growers.

The federal government accused Tyson, in the 1960s, and Cargill, in the 1980s, of blacklisting growers and terminating their contracts for organizing producers' associations.

ConAgra recently lost one lawsuit and settled two others out of court for falsifying poultry weights and terminating contracts. A jury awarded growers $17 million in damages in one case.

In addition, at least two families currently are suing Arkansas companies—ConAgra and Peterson Industries of Decatur (Benton County)—for what they contend are unfair practices.

Meanwhile, the contract system rewards the poultry companies with consistent profits and the consumer with inexpensive poultry.

The industry contends the contract system amply rewards growers with guaranteed paychecks and bonus incentives—and some growers agree.

Poultry company officials dispute the assessment of disgruntled farmers, saying the occupation offers good financial opportunities in an unstable agricultural economy.

Growers would only be let go as a last resort, company officials say, and only for a justifiable reason.

Industry officials say the contract system provides a grower with a steady paycheck protected from market uncertainties, while the company absorbs the cost of the birds and accepts the fluctuations of the marketplace.

Additionally, industry officials point out the most efficient growers are rewarded with bonuses.

Dr. Ken May formerly headed Holly Farms' chicken operations and now serves as a consultant to the National Broiler Council, a Washington-based industry association.

May says the contract system has allowed farmers to build better homes and live better lifestyles. The difference is apparent, he says, in his home state of North Carolina as well as other poultry states, including Arkansas.

"What contracts did for farmers is it gave them a guaranteed income," he said. "They know if they put chickens in, they'll get paid."

FEAR OF RETRIBUTION

While the industry says farmers can earn a good living—some estimates indicate each house can earn a net profit of about $20,000 annually—some farmers say they earn much less.

One ConAgra grower borrowed $210,000 to build two chicken houses. Now he doubts he'll be able to repay his 10-year loan.

"I'm right on the verge of losing it," he said. "I don't see how we can sit here and work for nothing for 10 years. I just hope we can hold it together."

When Mary Jones lost her contract after her husband died, she worried about making ends meet.

"I didn't know how I was going to make it," she said. "I don't have as much money as I used to have. But you can get by on less when you have to."

Like most of the growers interviewed by the Arkansas Democrat, Jones did not want her real name used. Many farmers say they fear retribution from the poultry companies.

One who will talk is Frank Corley of Nashville (Howard County), who has grown chickens for Tyson for nine years.

"There's people throughout the state that are having it tough," he said. "But, man, they wouldn't tell you they was having it tough because they'd be scared they was gonna get cut off."

A former oil field worker, Corley finds himself a point man for a fledgling Southwest Arkansas group advocating reforms in the contract system. The Contract Poultry Growers Association and its 200 dues-paying members from Arkansas and surrounding states hope to make changes that will benefit poultry growers and poultry companies.

Previous efforts to organize such groups in Arkansas, dating back 30 years, met with little, if any, success. All of the companies involved refused to deal with the groups, none of which remain active.

"Our basic position is we deal with a grower on an individual basis," said Aubrey Cuzick, a group vice president who oversees one of Tyson's production divisions.

"NOT SHARING BONANZA"

The companies contend changes in the contract system are unnecessary because farmers can earn a good living by raising chickens and turkeys on contract.

Don Allen, of executive vice president of the Arkansas Poultry Federation, said his organization is not directly involved with contract growers.

But, he added, "If it was as bad as some of those folks say it is, I don't think they'd keep building (poultry) houses."

John Tyson, vice chairman of operations for Tyson Foods, said the contract agreement offers growers an opportunity few people have.

"They get that pleasure of being on the farm and living a lifestyle that's fast disappearing in America today," he said. "These folks get to enjoy a unique lifestyle that a lot of us would like to have."

But many growers say their lives are far from idylic. In addition to daily problems, they also are concerned about further concentration in an industry domninated by a handful of powerful companies.

"Fewer and fewer companies have more control over the poultry business," said a 20-year grower from El Dorado. "The more control they have, they can do us any way they want to.

"We're not sharing in the bonanza of the chicken business, and that's bad."

A study by the Texas Agriculture Department, released in January 1990, reached a similar conclusion. "Although the grower makes a substantial capital invesment and takes most of the risk, he or she is not sharing in the success of the industry."

Meanwhile, poultry farmers and industry observers say the poultry industry's contract farming system will continue spreading to other agriculture areas such as crops, cattle, and hogs.

While that may mean higher profits for companies and lower prices for consumers, some believe it may mean the end of a way of life for American farmers.

"That's a rather foreboding kind of development," said the Rev. David Ostendorf, director of Prairie Fire, a rural advocacy group based in Iowa.

At an hourly rate based on a 40-hour week, the Tyson growers in Texas earned $6.97 an hour, while the Pilgrim growers made 84 cents an hour.

But a study by the Rural Advancement Fund in North Carolina found many growers across the country say their pay is closer to $2,000 per house per year. That would put the hourly rate at $2.88—well below the $4.25 minimum wage.

ARKANSANS' EARNINGS

Arkansas growers cite earnings similar to those in the Texas study. They produce settlement sheets and expense listings showing earnings such as:

$919.26 for four chicken houses for eight weeks, after mortgage payments on the $250,000 investment. That figures to $2.87 an hour, based on a 40-hour week.

When $1,600 for operating expenses was deducted, that farmer lost nearly $700.

$567.79 for two houses for eight weeks. Although the mortgage payments had been deducted, other expenses remained to be paid. That figures to $1.77 an hour.

Rob Robinson, the grower association's president, summed up the situation as the group's members see it.

"The main problem we're looking at is profitability, or being able to make a living, which apparently we're not doing," he said.

But Cuzick pointed out the industry also operates on a low margin of return. He calculated that with 4.7 billion pounds of chickens, Tyson's 1990 net income of $120 million translates to a return of 2.5 cents a pound.

Cuzick noted $45 million of that profit went to bonuses for the Tyson employees and growers. Every farmer received a 4.5 percent bonus, he said.

Vice Chairman John Tyson noted top growers earn more than the average price. "You don't hear the growers getting the bonuses complaining."

COMPANIES PROFIT

While many growers complain about low pay, the polutry corporations and their stockholders enjoy record earnings.

Net sales for Pilgrim's Pride—the fifth largest poultry processor—rose from $297 million to $506 million between 1984 and 1988. Stock holder equity rose by 197 percent.

Pilgrim's 1990 sales were $724.2 million.

Stockholder equity for Tyson grew by 305 percent during the same period. From 1988 to 1990, stockholder equity nearly doubled to just under $663 million.

Tyson's average return to investers of 58.27 percent for the 1976–86 period was the highest 10-year average in American business.

This disparity troubles poultry farmers.

"The end result is the ones making the money is the ones that never sees the bird or the chicken meat either one," said one Tyson grower from Nashville.

But the growers say their concers are not with the companies profit margins. They are quick to point out their livelihood depends on those companies making money.

"I don't care for them making millions," said a former grower for Peterson Industries in Decatur. "I just wish they'd let us make a living."

BIG INVESTMENT

Poultry growers also are concerned about the capital investment required to obtain a contract from a poulty company.

While they must take out 10-year to 20-year loans to build $65,000 chicken houses, they are guaranteed only one batch of chickens at a time. In addition, the companies frequently require growers to make costly adjustments or additions to their equipment.

For instance, Tyson's Nashville manager notified growers in a June 26, 1990, letter about requirements for the number and spacing of ventilation fans in each chicken house.

"Deadlines for meeting these requirements will be May 1, 1991," the letter stated. "Fans will be available through the Company with cost of fans being held out of settlement checks."

Although Aubrey Cuzick said he wasn't surprised growers had been told such changes are mandatory, he said it wasn't Tyson's policy to hand down ultimatums.

But growers contend the constant changes make it difficult for them to stay in the black. They also say the requirements shift with local management and often are arbitrary.

One grower cited recent additions to his three chicken houses: $26,000 to add feeding systems and $11,000 to replace watering systems.

Such changes are not necessary to produce top-quality chickens, said another grower.

"That chicken will drink water out of a green cup just as well as it will out of a yellow cup. I can put a dish pan in the chicken house, and I'll raise you a chicken. . . . They're telling me I have to buy a Cadillac."

But company efficials say updating and adjusting equipment allows growers to better produce chickens.

"We make recommendations that are based on our experience that this is a better way to do it," said Cuzick.

If growers don't follow the company's recommendations, they say they'll lose their contracts.

BROILERS MARKETED IN ARKANSAS BY COUNTY, 1989 (THOUSANDS)

Washington: 123,627, Benton: 80,549, Polk: 51,035, Howard: 47,646, Sevier: 47,076, Yell: 44,825, Madison: 41,925, Hempstead: 40,050.

Carroll: 32,524, Pope: 29,919, Cleburne: 28,573, Pike: 26,612, Scott: 24,550, Logan: 21,621, Johnson: 21,587, Conway: 20,097, Stone: 20,051.

Crawford, 18,450, Union: 18,383, Lafayette: 15,876, Cleveland: 15,834, Miller: 15,243, Franklin: 14,016, Perry: 13,874, Montgomery: 13,643, Columbia: 10,650.

Lincoln: 9,843, Sebastian: 9,824, Nevada: 8,796, Independence: 8,772, Izard: 8,529, Boone: 7,680, Bradley: 6,847, Van Buren: 5,988, Little River: 4,520, Ouachita: 3,612, Grant: 2,568, Jefferson: 2,568, White: 2,473, Clark: 2,275, Pulaski: 1,712, Drew: 1,712, sharp: 1,206, Baxter: 1,057, Lonoke: 856, Dallas: 428, Desha: 428, Faulkner: 119, Searcy: 67.

Source: Cooperative Extension Service.

[From the Arkansas Democrat, Apr. 24, 1991]

FEAR OF LOSING CONTRACTS KEEPS FARMERS QUIET

Although some poultry farmers believe they are victims of an unfair contract system, they generally remain quiet in the belief poultry companies will sever their contracts if they complain.

That fear is rooted in the reality that several companies—including Tyson Foods Inc., ConAgra Inc., Cargill Inc. and Peterson Industries Inc.—have been accused of wrongdoing that ranges from misweighing birds to blacklisting growers to terminating contracts.

Several poultry growers in Arkansas and elsewhere have sought recourse through the judicial system for what they believe are unfair practices.

An Arkansas family and an Oklahoma family who contracted with an Arkansas company filed lawsuits after their contracts were severed.

At least three similar lawsuits in other states were successful. All of the cases involve companies based in Arkansas or with operations in Arkansas.

In the two lawsuits involving families contracting with Arkansas companies:

An Oklahoma couple who grew chickens for Peterson Industries filed suit March 12 in federal court in Tulsa, Okla.

Glen and Sue Hurt, who live in Delaware County in Northeast Oklahoma, charge Peterson with breach of contract, fraud, and malicious and negligent actions. They are seeking more than $50,000 in compensatory damages and more than $50,000 in punitive damages.

The Hurts grew chickens for Peterson since the early 1970s. The company severed the contract March 28, 1989, after a two-year series of events that included diseased chickens and collapsed growing houses.

The couple raised breeding hens for Peterson, based in Decatur (Benton County). The company is a leading genetic researcher and supplier of poultry breeding stock.

A Union County couple sued ConAgra when they were cut off in 1989 after nine years with the company.

Louia and Vencill Cogburn of Huttig are seeking more than $160,000 in damages to offset the debt they incurred, said their attorney, James Madison Baker of Hamburg (Ashley County). They raised chickens for the company's El Dorado-based poultry division.

Baker said the case, which could come to trial by summer, could affect other growers and companies.

"This thing has got some far-reaching implications," he said.

FLORIDA CASE

In a Florida case, the 11th U.S. Circuit Court of Appeals in Atlanta upheld a preliminary injunction in January against Cargill. The Minnesota-based agriculture conglomerate has been accused of terminating a contract because the grower initiated a lawsuit alleging the company used fraudulent practices.

Two separate lawsuits evolved after growers suspected Cargill of underweighing their birds. In 1988, Cargill admitted it had mistakenly used false weights for 10 to 14 months at its Jacksonville, Fla., plant. The company repaid growers $300,000.

But Arthur Gaskins and 38 other members of the Northeast Florida Broiler Growers' Association thought the misweighing was more widespread and cost them more money. In March 1989, they filed suit alleging Cargill systematically used fraudulent practices to underpay them during a 10-year period.

As a result of that suit, Cargill cut off Gaskins' contract after 17 years as a grower for the company. Cargill officials have said Gaskins was dropped because he spoke to the media and made negative comments about the company. The U.S. departments of agriculture and justice have sided with Gaskins in the suit, saying Cargill's actions violated the federal Packers and Stockyards Act.

The two lawsuits now have been consolidated. The preliminary injunction upheld earlier this year means Cargill must continue doing business with Gaskins until his suit is settled. But neither suit has been heard in court, and no date has been set for a jury trial.

The federal court ruling upheld the lower court finding that the growers would likely succeed in their lawsuit. It charges Cargill with racketeering, extortion, obstruction of justice, mail fraud, wire fraud and violations of federal agricultural statutes.

James Grippando, one of the Miami attorneys repesenting the poultry growers, said the precedent-setting federal court ruling had ramifications for the entire poultry industry because it indicated poultry companies must show an economic reason to terminate a grower's contract.

"Processors take the position that they can terminate these people anytime," Grippando said.

"This ruling says the federal statute imposes on them obligations beyond what they've written into their contracts," he said. "That's good news for poultry growers across the country."

In Alabama, a jury found ConAgra guilty of fraud and breach of contract in November 1989. It awarded 268 growers $4.55 million in damages for lost income and $9.1 million in punitive damages. With interest, the judgment totals more than $17 million and continues to grow.

ConAgra has appealed the verdict. The 11th Circuit Court heard oral arguments in the appeal Monday.

The case began in 1982 with five growers suing because they said their contracts had been improperly terminated. That case was settled out of court in 1988. The terms of the agreement were not disclosed.

The case eventually grew to include charges of misweighed birds and breached contracts, so the court separated it into two lawsuits. That second suit is the one that is pending.

In Louisiana, ConAgra settled out of court in January 1990 with six growers whose contracts were terminated. Like the previous Alabama settlement, terms of the agreement remain secret.

Six growers began the case in 1983. They argued they had become "locked into a feudal serf production system" that left them with few rights and the company with vast power, a poultry growers' newsletter reported.

TYSON CASE IN 1960S

Officials with companies such as Tyson adamantly deny such wrongdoing occurs.

"I have to say, I think we treat our growers better than anybody in the industry," Jim Blair, Tyson's general counsel, told the Arkansas Democrat earlier. "If any of them are unhappy with us, that's news to me, and I do try to stay on top of that.

"All these things you have read in the papers, the lawsuits in Florida against other companies, this kind of thing just does not go on in Tyson Foods. It never has. It never will."

But Tyson, represented by Blair when he was a private attorney in Springdale, was found guilty by the federal government of practices similar to those of Cargill.

The company fought a 1968 U.S. Department of Agriculture administrative ruling that accused Tyson and two other firms of blacklisting, harassing and terminating Northwest Arkansas poultry growers in 1962 who had formed a growers' association.

The U.S. Secretary of Agriculture issued a cease and desist order Jan. 23, 1968, against Tyson, Arkansas Valley Industries (later acquired by Tyson) and Ralston Purina Co. for their actions in conjunction with the Northwest Poultry Growers Association.

The order said, in part, "Respondents are ordered to cease and desist from * * * entering into agreement or cooperating with others to boycott, blacklist, harass, etc., any poultry producer."

That order, however, was overturned July 30, 1969, in federal court. The 8th U.S. Circuit Court of Appeals at St. Louis ruled the USDA had no jurisdiction in the case.

Testimony during hearings into the 1968 case revealed Don Tyson, then executive vice president and now chairman of the company, told poultry growers he would not "tolerate" their organization. He said company officials would "attend meetings and take down names."

Evidence during the investigation indicated Tyson Foods compiled and circulated a list of growers who were leaders of the association.

Those growers, Don Tyson was quoted in the ruling as saying, "would find they would have a little hard way to go."

[From Time magazine Nov. 26, 1990]

THE DANGERS OF FOUL FOWL; AS POULTRY'S POPULARITY GROWS, THE SCOURGE OF SALMONELLA SPREADS

(By David Bjerklie)

When Americans sit down to their Thanksgiving turkey this week, some uninvited guests could turn a nice meal into a miserable occasion. If the big bird is not thoroughly cooked, it could pass on bacteria that cause fever, stomach cramps, vomiting, diarrhea—all the classic symptoms of food poisoning. Often the culprit is salmonella, a nasty microbe that, despite industry and government inspections, lurks in perhaps * * * all poultry sold in the U.S.

Salmonella poisoning has been around for a long time, but the number of reported cases has surged, form 33,700 in 1980 to 47,800 last year. Those figures represent only a small fraction of the problem, since most cases, while unpleasant, pass quickly and go unreported. Experts believe that each year as many as 4 million Americans have a bout with salmonella. Occasionally the infection is serious enough to require hospitalization, and it can lead to arthritis, neurological problems and even death. The eldelry, AIDS suffers and others with weakened immune systems are especially vulnerable to the disease, which claims 2,000 lives annually.

One reason for the spread of salmonella, ironically, is Americans' determination to guard their health. In the quest to keep cholesterol levels down, people are turning more often to low-fat poultry: annual per capita consumption of chicken alone has risen from 40 lbs. in 1970 to more than 70 lbs. this year. Unfortunately, mass-production techniques make many poultry farms and plants prime breeding grounds for salmonella. Different strains of the bacteria can contaminate eggs as well as meat. (Raw cow's milk can also be tainted, but beef is less of a problem than poultry because the slaughtering process is cleaner.)

Chickens typically travel a filthy path from the farm through the slaughterhouse. Stuffed 10 or 12 to a cage on the truck to the processing plant, they eat one another's germ-laden excrement and spread it on their feathers and skin. At the plant, the birds move rapidly along a disassembly line where they are killed, dropped in scalding water, mechanically defeathered and eviscerated, and chilled in huge water tanks that usually become contaminated. "This is really no different than putting these birds in your toilet," contends Gerald Kuester, a microbiologist with the Public Citizen advocacy group.

Poultry producers are trying to deal with the situation. They put chlorine in the chilling tanks, and they are experimenting with other chemicals in hopes of finding one that is more effective against salmonella. Irradiation could wipe out the bacteria, but it would be costly and consumer acceptance might be low, since many people mistakenly believe that zapping food with radiation makes it dangerous to eat. The visual inspections carried out routinely in the plants can weed out obviously diseased chickens, but the contamination is usually invisible. A panel of experts convened by the government may recommend soon that the Department of Agriculture develop better tests to detect salmonella.

For now, the best safeguard is to clean up kitchen techniques in homes and res-

taurants. The basic instructions: cook poultry until the juices run clear, and thoroughly wash hands and food preparation surfaces as well as all plates and utensils that come into contact with raw poultry. Dane Bernard, director of microbiology at the National Food Processors Association, asserts that proper handling by cooks could reduce the number of salmonella infections at least 75. Caution is the key. Warns Joseph Madden of the Food and Drug administrations microbiology division: "The consumer should assume that any poultry product has bacteria on it."

[From the Wall Street Journal, Nov. 16, 1990]

FOWL PROCESS: FASTER SLAUGHTER LINES ARE CONTAMINATING MUCH U.S. POULTRY

(By Bruce Ingersoll)

LEWISTON, NC.—The chickens hurtle down the high-speed line, jiggling along at 91 birds a minute, all as plump and yellow as Frank Perdue could want.

The birds have been stunned, killed, bled, beheaded, plucked, eviscerated and government-inspected here at Perdue Farms Inc. In the automated flurry of pounding off feathers and pulling out intestines, some have become contaminated with feces. Then, all the carcasses take a plunge, one after another, into the chiller, a huge refrigerated tank of water used to cool thousands of chickens an hour.

But the chiller produces an unintended side effect: It is one of several points on poultry slaughter lines where clean birds pick up salmonella and other disease-causing bacteria from contaminated chickens. "Birds that bathe together get contaminated together," says Thomas Devine, a leader of a consumer coalition seeking tighter regulation of the $18-billion poultry industry.

A NEW THREAT

Cross-contamination is the curse of processors nationwide who strive to transform barnyard fowl into safe, high-quality food. By putting their lines on fast-forward, processors are meeting the boom in poultry demand—safely, they argue. But a growing chorus of scientists, consumer advocates and federal inspectors contend the process is undercutting food safety. Increasingly, these critics are linking high-speed chicken processing—and cuts in federal oversight—to a nationwide rise in foodborne disease rates.

Just as the problem is getting more public attention, health officials are finding new reasons to sound alarms over poultry industry practices. An obscure bacterium called campylobacter has emerged in the last few years as the No. 1 known cause of gastroenteritis in the U.S., according to the Centers for Disease Control, and researchers have found the bug sometimes contaminates as much as 90% of market-ready chicken and turkey.

The scientific consensus is that salmonella, by comparison, contaminates about 60% of chicken on the market, up from about 37% in the late 1970s. The result: Contaminated poultry is blamed for as many as 1.5 million campylobacter cases annually—roughly three times the number of cases of salmonellosis.

KILLED IN THE KITCHEN?

Industry officials strongly defend the safety of poultry. "We can't afford to make our customers sick," says Kenneth May, a poultry scientist and consultant to the National Broiler Council. Birds raised "in a natural environment do have microorganisms on them. It just doesn't normally cause a problem. The thing we've got going for us is that people cook the stuff," which, done properly, kills bacteria.

But consumer advocates contend underregulation is as much a problem as undercooking. They say the Agriculture Department never should have allowed major processors to speed up their slaughter lines to rates of 70 to 91 chickens a minute from the high 50s a decade ago without a commensurate increase in inspection. Instead, the agency reduced the number of federal inspectors on each line under its so-called streamlined inspection system, relying heavily on company employees to catch processing defects.

"A better name for it would be streamlined infection system," asserts Mr. Devine of the Government Accountability Project, a whistleblower group based in Washington.

The parade of poultry double-timing past inspectors at Perdue's Lewiston complex, and at other companies nationwide, moves so fast an inspector has just two seconds to scrutinize each carcass, inside and out, for fecal matter, tumors and other signs of disease. "After a while, it gets to be a blur," says one inspector.

Some poultry inspectors contend the Agriculture Department erred in deputizing processors to inspect themselves, and insist the practice can lead to reduced vigilance. Last year, for example, David Carney, a Cleveland-based inspector, found a Kralis Brothers Foods Inc. plant in Mentone, Ind., was shipping thousands of chickens contaminated on the outside with buckwheat kernels that had been in the birds' crops before slaughter. Many of the birds also had broken bones and blood clots. Two months ago, he says he caught nine birds with "flagrant defects" that Kralis had missed. Some birds were scabby or had clumps of unplucked feathers. "The USDA seal of inspection doesn't mean much," Mr. Carney asserts. "These birds should never have gotten out the door."

"If we shipped product like that, I don't think we'd have any customers," responds plant manager Woodford Johnson, who denies the incidents occurred. "Our quality is higher than USDA standards."

There is growing clamor from consumer groups for slowing down line speeds, at least to the point where the eviscerating machines aren't rupturing intestines and splattering fecal matter about. "As long as you have an epidemic of foodborne illness, why not take conservative steps to protect the public," says Carol Tucker Foreman, a consumer lobbyist and former Agriculture Department official who recommends condemning every bird that has punctured intestines.

The industry rejects the idea of throttling back, as does the government. "If you cut the line speed in half, there's no evidence you would change the [bacteria] level," says Mr. May. Agriculture Department officials contend it would be too costly and impractical to reinstate the inspection procedures of the late 1970s. Instead, they plan to ask processors to make some voluntary changes in their slaughter operations to reduce contamination. Perdue Farms and some others are well ahead of the regulators on one innovation: adding chlorine to the chill water.

Given the risks of food-poisoning, however, critics of streamlined inspection question the wisdom of putting companies on what amounts to an honor system. For the elderly and infants particularly, a campylobacter or salmonella infection can be fatal. The two infections are estimated to cause 500 deaths a year in the U.S., and both can lead to a form of arthritis and other chronic diseases. What's more, campylobacter sometimes results in colitis and appears to be linked to Guillain-Barre syndrome, a neurological disorder that can cause fatal respiratory paralysis. Even without such complications, a bout with campylobacter can produce painful diarrhea and abdominal cramps.

But in a videotape distributed by the National Broiler Council, Lester Crawford, administrator of the Agriculture Department's Food Safety and Inspection Service, plays down poultry's role in transmitting disease. While acknowledging occasional problems with mishandled chicken and turkey salad, he insists that "food poisoning from intact poultry products is rare."

Whatever the case, disease-causing bacteria sometimes contaminate a large percentage of the birds shipped to consumers. Studies show that even if only a few birds are infected upon arriving at the slaughterhouse, uninfected birds can become similarly tainted as they run the gauntlet of modern poultry processing. The inspection service, in a study at a Puerto Rico plant, found 57 percent of the plucked chickens coming in contaminated but 76 percent going out the door infected.

Fecal cross-contamination can occur when flocks gather in the unloading sheds; when they are soaked in scalding water to loosen their feathers; and when they are hustled through a row of automatic feather pickers that pummel them with rubber "fingers." The pounding not only expels feces but drives bacteria into skin creases and feather follicles, say inspectors and microbiologists. Further cross-contamination can occur if the eviscerating machine, which pulls out intestines with a mechanical hand, isn't properly adjusted.

Lately at its Lewiston complex, Perdue has been running flocks of five- to six-pound birds through machinery that is optimally designed for 3½-pound broilers. The feather pickers have "been beating them to death, tearing up the skin," says one federal inspector. "Some birds got stuck [in the eviscerator] and really messed things up." Perdue calls the problem "highly unusual" and says it can be corrected by readjusting the machines.

Typically, in such a situation inspectors condemn grossly contaminated birds, while plant workers trim or wash the fecal matter off the rest. "Hopefully, it gets all trimmed off," says the inspector. "I'd be lying if I said it did." As for washing birds, government researcher Huda Lillard found the measure to be futile. After rinsing a chicken carcass 40 times, she still could detect bacteria clinging to it.

Processors wouldn't have been able to rev up their lines if the inspection service in 1978 hadn't started allowing companies to wash, instead of tediously trim, contaminated birds. Relying solely on manual trimming was just too slow. "I'm responsible for that little travesty," says Ms. Foreman, who oversaw the agency during the Carter administration. "I never should have approved washing." She says she was misinformed by a government study involving only 180 birds from one plant that purported to show that washing worked.

Last year, the inspection service, under pressure from inspectors, decided to do a follow-up of the 1975 study, this time looking at 1,500 birds at five large plants in the Southeastern broiler belt. An unpublished draft report shows a startling 26% to 79% of washed birds contaminated with salmonella, depending on the plant, and 25% to 80% of unwashed birds tainted. Even though the washed poultry had a higher average contamination rate,

researchers concluded that the washing policy is still justified.

Meanwhile, in a survey of 50 brandname broilers distributed by several processors in Athens, Ga., government researcher Norman Stern found 90% to be contaminated with campylobacter, ranging from a couple of cells to one million. For some people, as few as 100 to 500 cells can be an infectious dose. "People don't eat raw chicken," says Mr. Stern. "But the problem is, one drop of [chicken] blood dripping on lettuce could contain 1,000 to 10,000 organisms."

Food safety specialists and researchers say consumers shouldn't expect the impossible of poultry processors: an absolutely sterile product. Instead, they should do their part at home by thoroughly cooking poultry and washing utensils that have touched it.

Perdue Farms, meanwhile, insists its own campaign to reduce bacteria levels on its products is paying off in longer shelf life. "Retailers continue to tell us that our shelf life is 1½ days longer than our competitors', a good indication that we're reducing the bacterial load," says Clay Silas, laboratory director for the Salisbury, Md., company.

Growers shipping birds to the Lewiston plant, for example, are required to stop feeding their flocks in advance of slaughter so the birds' intestines aren't full. In the plant, which can process 400,000 birds a day, throat-cutting knives and other equipment are constantly sprayed, while every bird is washed inside and out by a high-pressure washer before going into the chiller.

A lot of the bird-to-bird contamination occurs, research shows, when the birds take their last communal dip together in the chiller. "Even if you chlorinate the chill water, it's still like soaking birds in a toilet," asserts Gerald Kuester, a former government microbiologist. Industry officials say processing may spread bacteria from bird to bird but it also dilutes the overall dose level. But Mr. Kuester says consumers shouldn't be heartened by that calculation. Even if birds emerge from the chiller carrying very low levels of campylobacter and salmonella, the organisms can multiply when poultry is thawed at room temperature, he says.

Some companies in Europe chill their birds with blasts of cold air to avoid cross-contamination. U.S. companies consider air-chilling too slow and costly. But critics say the industry has another reason for sticking to water chillers. "Federal regulations allow each carcass to soak up as much as 8 percent water," says Edward Menning, an official of the National Association of Federal Veterinarians. "This enables the sale of hundreds of thousands of gallons of water at poultry meat prices—a profit the industry is unwilling to forgo."

[From Atlantic Magazine, November 1990]

PUBLIC HEALTH: DIRTY CHICKEN

Americans are eating more poultry these days, because they think it's good for them. With one third the saturated fat of lean beef, chicken seems the cleaner, safer food. Poultry is also cheap: it is one of the few products whose prices in constant dollars have steadily decreased since the 1950s. This year Americans will eat more than ninety pounds per person, almost double the amount of poultry they ate in 1970 and more than the amount of beef they consume.

In the past few years, however, a less healthful side to poultry has emerged. While poultry production and consumption in the United States has risen sharply, public attention has been drawn to high rates of poultry contamination by disease-bearing microorganisms, especially salmonella. A pathogenic bacterium abundant in nature, particularly in animal feces, salmonella causes everything from mild diarrhea, fever, and flu-like symptoms to death. In 1985 the U.S. Department of Agriculture announced that 35 percent of chicken carcasses were contaminated with salmonella. Last year USDA tests of five processing plants in the Southeast, the leading poultry-producing region, found salmonella levels of 57.5 percent.

Whether or not poultry contamination is on the rise is debated; scientists say, however, that it definitely is not going down. What is certainly rising is the number of people getting sick from salmonella—one current estimate is 2 to 4 million Americans a year. The actual number is not known, because most people who suffer from salmonellois—and, indeed, most food-borne illness—never know what hit them. Contaminated food often looks and tastes fine. Food-borne bacteria frequently multiply in the body for one to seven days before they reach levels high enough to cause illness. According to Douglas Archer, the deputy director of the Food and Drug Administration's Center for Food Safety and Applied Nutrition, about two or three percent of the people suffering severe diarrheal illness, such as one gets from salmonella, develop reactive arthritis within weeks. A smaller number of people come down with inflammation of various tissues, neurological problems, or other diseases, some of which can be fatal. In fact, Archer says, 2,000 Americans die of salmonella poisoning each year—mainly the very old, the immuno-compromised, and the very young. Although the number of cases of salmonellosis that can be traced to poultry is unknown, Dr. Robert Tauxe, a specialist in enteric diseases says that CDC surveys indicate that poultry is a significant source.

Scientists are tracking another pathogenic bacterium, Campylobacter jejuni, which causes similar gastrointestinal symptoms, sometimes with bloody stools. Clinicians have been able to culture Campylobacter from fecal specimens only since the late 1970s. Once they were able to detect it, they discovered that Campylobacter might be responsible for at least as many cases of food-borne illness as salmonella. Over half of the sporadic outbreaks of campylobacteriosis have been attributed to poultry. Indeed, samples of poultry contamination indicate Campylobacter levels similar to or higher than those of salmonella.

If the 1980s were the decade of cholesterol and fat, the 1990s will be the decade of food-borne infectious disease, Archer says. With the rise in immuno-deficient and elderly populations, more people will die from contaminated food. When mishandled or undercooked, poultry, Archer says, poses a great threat.

Why is poultry so dirty? Unfortunately, the very technology that has made poultry plentiful and cheap has also increased the spread of disease-bearing bacteria.

Over the past twenty-five years there has been a revolution in the slaughter and processing practices for meat and poultry—indeed, in the entire system of raising animals to slaughter-weight quickly and cheaply. The poultry industry has grown from an annual volume of 2.1 billion birds in 1964 to more than 6 billion birds today. The Expansion has been made possible by intensive farming practices, which concentrate animals in huge warehouses; sophisticated systems of temperature, feed, and water controls; genetic selection of the biggest and hardiest birds; the regular use of antibiotics, which speed the birds' rate of growth (just how is not understood) and enable them to withstand stressful growing conditions; and a highly advanced understanding of poultry nutrition. Innovations like these have decreased the time it takes to grow a three-pound chicken from four months in 1940 to just six weeks today. Volume has also been boosted by automatic slaughtering plants that whiz 21 million chickens a day through the process at speeds up to ninety-one birds a minutes, as machines beat off feathers and pluck out entrails. While the technological advances have been remarkable, they have unfortunately been made without regard to controlling microbial contamination.

Contamination begins, poultry scientists say, in the egg, where a tiny percentage of unhatched chicks carry pathogens from their mothers. In the crowded "grow-out" house, more birds are contaminated by contact with other chickens, wild brids, rodents, the feed, and the buildings themselves.

Contamination begins in earnest, however, during the trip from farm to slaughterhouse. Here poultry undergo the greatest stress of their short lives and at the same time are squeezed together, facilitating the spread of bacteria. "By the time chickens leave the farm," says Nelson Cox, a microbiologist at the USDA's Agricultural Research Service, in Athens, Georgia, "only one to three percent have salmonella in their intestines, although most have it on their skin and feathers. But this expodes to twenty to twenty-five percent in transport, because the birds are deprived of feed for twelve hours, jammed into little coops—about ten to twelve birds per three-and-a-half-foot-square coop—and they're eating each other's fecal matter throughout the trip."

At the slaughterhouse the level of contamination skyrockets. By the time chickens leave the slaughterhouse, Cox says, "the contamination levels can be upwards of seventy percent."

After having their throats slit, chickens are dipped into a tank of scalding water to loosen the feathers, which are softened with mud and feces from life at the farm. Occasionally a bird will still be breathing and will inhale the filthy water, drawing bacteria into its system. The hot water also opens its pores, allowing more bacteria to enter the skin. Then defeathering machines, with rubber fingers the size of a man's thumb, beat the bird carcasses to knock off the feathers. If there are scabs, scales, or tears on the skin, the machines may pound contamination into the skin; they also press feces out of the animal. The machines themselves create an aerosol mist of bacteria as they work, contaminating surrounding birds. Automatic eviscerating machines compound the problem. They remove the intestines of each bird at high speed, often breaking open the viscera and spilling the contents—including feces—over the bird. Finally, the birds are dropped into a large chill tank, where their temperature is quickly reduced to 40°F. Chilling curbs microbial growth, but tanks allow feces to wash from one bird to another. (The scalding tanks have the same drawback.)

Chlorine is often added to the water in order to limit the bacteria spread, but a number of foreign countries, including Canada, won't buy birds that have been soaked in chlorinated water, so chlorine is not always used. Chlorine can react with organic materials, such as chicken skin, and produce chloramines, which are carcinogenic; the hazard to people is far from established, how-

ever. Although chlorine does reduce the level of pathogens in the water, Gerald Kuester, a microbiologist who researched poultry slaughter when he worked at the USDA, says that is is ineffective in killing the bacteria on a carcass, because it is neutralized by animal protein. "The chlorine is quickly bound to any organic matter," says Kuester, who now works for Public Citizen, "and never gets to the bacteria."

Chlorinated or no, birds from chill tanks can be very dirty, "At the beginning of the day the chill-tank water is clear and clean," one inspector says. "But as the day goes on, it becomes murky, dirty-brownish, and bloody." By the end of the day, when the tank is drained, the bottom may be a foot deep in filth.

Kuester said that washing—the industry's method for cleaning off soiled carcasses—doesn't remove the bacteria either, because they can cling tightly to the skin. Washing serves only to remove the evidence; the contamination remains. Thorough cooking does kill the bacteria, but while a bird is raw, it is often loaded with pathogens. "At the end of the line the birds are no cleaner than if they been dipped in dirty toilet," Kuester says. "They may have been washed, but the germs are still there." Using machines to wash away feces was illegal until 1977. That year the USDA Food Safety and Quality Service (Now the Food Safety and Quality Service, under Carol Tucker Foreman, began to allow it. Foreman, who left the USDA in 1981, now regrets her decision, explaining that she was persuaded by industry, her staff, and one study—later shown to be flawed—that found washing to be effective at removing bacteria. She has since become an outspoken critic of the washing policy.

The rate of bacterial contamination in red meat is much lower than it is in poultry—more like four percent—but similar problems exist in processing red meat. "All of these animals have pathogens on their skin and in their intestinal tracts," say Morris Potter, a veterinarian in the Division of Bacterial Diseases at the CDC. "And the problem of getting the outsides off and the insides out without contaminating the rest of the carcass has not been solved." Dehiding veal and beef creates much the same bacterial spray that defeathering machines do, say Potter. The high speed at which the operation takes place can worsen the problem.

The main reason steaks are less contaminated than broilers, Potter says, is that the skin, which is the most highly contaminated part of the animal, has been removed. It ends up hanging in your closet or shoe rack, while chicken skin ends up on your plate. Processed meats such as turkey roll, sliced roast beef, and hamburger are often as bacteria-ridden as chicken. Having been cut up and mixed about, the meat has had more opportunities to be contaminated. If one piece of beef headed for the meat grinder is contaminated with salmonella, every hamburger that emerges from the grinder will also be contaminated. Perhaps this is why a 1986 survey by the New York City Department of Consumer Affairs showed that one in six samples of hamburger meat and more than half of all cooked roast beef found in the city's supermarkets, delicatessens, and butcher shops was contaminated with some type of pathogenic bacteria. The researchers also found pathogens in more than half of the raw chicken breasts they checked.

Industry spokespeople say that bacterial contamination is inevitable in any foodstuff and that normal hygienic precautions will protect consumers. They argue that the public has been mistakenly led to believe that absolute purity is a feasible goal. "The basic name of the game here is that anything is going to have microorganisms, I don't care if it's a tomato or turkey," say Mahlon Burnette, a nutritional biochemist and spokesperson for the National Broiler Council.

Burnette says that the high rate of bacterial contamination in chickens is a natural phenomenon, and he believes that the high-speed technology—the mechanical eviscerators, the fast-moving lines, and the water baths—doesn't cause any extra contamination. "Mechanical eviscerators didn't come into the industry before 1976," he says, "whereas these statistics existed before." But the consumer advocate Rod Leonard, who was the director of the food inspection service in the Johnson Administration, argues that contamination levels have increased from 29 percent in the late 1960s to 35 percent in 1985, with recent scattered tests indicating a level between 50 and 75 percent. Leonard, who is now the director of the Community Nutrition Institute, in Washington, agrees that we will never have a bacteria-free food supply. "The body can handle natural amounts," he says. "The problem is that we're overwhelming every normal defense mechanism." Burnette argues that the numbers are irrelevant. "Since you don't know which animals are contaminated," he says, "you should always use care in handling and cooking them."

Most experts would agree with Burnette that careless consumer handling of raw meat and poultry is at least as much responsible for the current outbreak of food-borne illness as the food itself. All agree that consumers should adopt more stringent sanitary routines. According to the USDA's Meat and Poultry Hotline (800-535-4555), consumers should cook beef, veal, lamb, and poultry to a minimum internal temperature of 160° F. For those without a meat thermometer, poultry is safe when the juices run clear and the meat is no longer pink. Foods cooked in microwave ovens, which sometimes have "cold spots" where heat doesn't penetrate, should be stirred or rotated during cooking. (Cooking foods in a covered dish creates a hot, wet atmosphere that helps kill bacteria.) Precooked foods bought from restaurants, gourmet shops, or supermarkets, which might sit at room temperature before being sold or on the trip home, should be reheated thoroughly. Consumers are advised never to touch cooked food with the plate or knife that was used when the product was raw without washing it first, and also never to thaw frozen meats at room temperature, because microbes, which easily survive freezing, will multiply into the millions.

Consumer advocates, however, feel that too much of a burden is being placed on the consumer to clean up an inexcusably filthy product. Some also argue that the safe handling of poultry is almost impossible for consumers. A 1978 study of sixty Dutch families' dinner practices, conducted at Agricultural University in the Netherlands, found that after dinner was prepared, bacteria from chickens had spread all over the kitchen—to door and tap handles, salt shakers, and spice jars. Even after conscientious washing and rinsing, live bacteria remained on tables, cutting boards, dish cloths, and sinks. "The meat practically has to be handled the way a surgeon handles an organ before transplant," says Amy Karas, who directed the New York City Department of Consumer Affairs study of meat and poultry. After working on the study, she stopped bringing meat home. "It's too much of a problem to handle it safely," she says.

After handling raw meat or poultry, advises Paul Blake, M.D., the chief of enteric diseases at the CDC, consumers should scrub everything they have touched in warm soapy water: utensils, pots, cutting boards, drawer handles, sinks, countertops, the phone, the baby. Skin must be washed for at least twenty seconds to kill bacteria. Salmonella can live up to six months on a wooden cutting board, so it's best to switch to a plastic one, which can be sterilized in the dishwasher. For those who insist on wood, a mild bleach solution is effective in killing bacteria.

Do restaurants follow such stringent procedures? They are supposed to, says an official of the FDA, which trains state and local health inspectors in how to monitor retail food establishments. However, restaurants are inspected only a few times a year, and inspectors observe food preparation practices only if they happen to drop by at mealtimes. High employee turnover in the low-skill, low-pay preparation positions also raises questions about consistency in safety practices. Most chains and large establishments have stringent handling procedures of their own, knowing that an outbreak of disease traced to one of their restaurants would devastate business, and they cook chicken to a high internal temperature.

Precooked and packaged foods sold in supermarkets, such as chicken frankfurters and turkey roll, are inspected by one of 200 "compliance officers" from the USDA, who visit processing plants daily. Samples are periodically sent to one of five regional laboratories across the country. Because it takes seven or more days to transport and grow bacterial cultures, the sampled food usually has gone to supermarkets by the time the USDA sees the results. If the sample shows bacteria, the agency initiates a recall. During the first eight months of this year the USDA issued thirteen recalls, involving an infinitesimal percentage of all precooked food sold in that period.

While USDA and industry representatives say that the contamination problem and the many resulting illnesses and deaths would be avoided if people handled food more carefully, they are reluctant to require warning labels on the food. Lester Crawford, the chief of the FSIS, says that the agency has a vigorous consumer-education program involving the distribution of thousands of publications and news releases, public-service announcements on television and radio, education programs in schools, and the Meat and Poultry Hotline. These efforts are inadequate, says Ellen Haas, the executive director of Public Voice for Food and Health Policy, a nonprofit research and advocacy group. "Brochures or advertisements cannot adequately substitue for a package label that the consumer will see right before he or she prepares and cooks poultry," Haas said in 1987 before a congressional committee. The USDA allows companies to put instructions for safe food handling on poultry packaging, and many have done so. But the labels do not say that the food may cause illness if the instructions aren't followed.

Even if the technology of modern farming, slaughtering, and processing practices were found to be safe in principle, actual practices are sometimes not. "I can tell you stories that would make your hair stand up," says Manford Parker, a retired USDA inspector who worked in meat and poultry plants for eighteen years. He is one of 125 inspectors across the country who have told the Government Accountability Project, a nonprofit

watchdog group, in signed affidavits, of seeing diseased or wormy giblets, hearts, and livers; paint chips and metal shavings falling on the meat; roaches everywhere; toilets containing human excrement overflowing onto floors where chickens were sometimes dropped; chicken-processing equipment that was covered with rotting meat and that was left uncleaned for days; chickens that were already dead before the slaughtering process (a sign of serious disease); and rat infestation so severe that one worker would drive rather than walk across an alleyway out of fear of being attacked.

Are the popular name-brand chickens, like Tyson, Holly Farms, and Perdue, cleaner? Since none of these companies would allow me to tour any of their plants, I must rely on the reports of others. Perdue prides itself on its clean, healthful image. Yet in November of last year Donna Bazemore, an activist for workers' rights who had worked at a Perdue plant in Robersonville, North Carolina, submitted testimony to a House education and labor subcommittee that "the floors regularly are covered with grease, fat, sand, and roaches," along with spit, chewed tobacco, snuff, and feces. Chickens regularly fall off the line and into all the muck on the floor, she reported, and supervisors put the contaminated fowl right back on the line, where they are processed for human consumption. Bazemore also described abusive treatment of employees; macabre working conditions under which strenuous work and insufficient breaks cause employees to vomit, faint, and urinate on themselves or on the floor; insufficient safeguards that result in lost fingers and occasionally in lost limbs; and company policies that are unsympathetic to resulting employee injuries and illnesses.

Perdue Farms immediately issued a statement to the subcommittee denying Bazemore's accusations, calling her testimony misleading and false, and inviting committee members to inspect any Perude plants at any time. In carefully worded sworn statements two Perdue vice-presidents (one already retired) said that their processing plants meet USDA inspection rules and regulations, that workers do not put chickens that have failed inspection back on the line behind inspectors' backs, that they treat their employees as "participants in the business," and that the company has an array of policies whose purpose is to honor and safeguard its employees. Lester Crawford also submitted a letter stating that a USDA inspection conducted after the testimony found "no evidence of the kind of gross violations of Federal inspection rules and regulations described in the * * * testimony." Crawford also pointed out that Bazemore's testimony was based not entirely on her own experience but in part on that of other workers. However, another former Perdue employee and two USDA inspectors who had worked at the Robersonville plant later submitted affidavits to the subcommittee supporting Bazemore's testimony with more lurid stories of filth and abuse at the plant, accounts that they said were based on their own observations. When I asked a Perdue spokesperson to comment on the episode, he said, "It simply does not make sense that a company like Perdue could demand a premium price for its product if it were produced from such horrific conditions."

If violations like the ones described by Bazemore and other workers and inspectors are in fact occurring, what have the USDA inspectors been doing all this time? The USDA places more than 7,400 inspectors, 1,200 of them trained veterinarians, in meat and poultry processing plants to check carcasses as they ride along the assembly line where they are cleaned and cut up. The inspectors were originally placed in meat-packing plants in 1906, when Congress passed the Federal Meat Inspection Act after Upton Sinclair's book The Jungle shocked the nation with its accounts of filth and worker death in the Chicago slaughterhouses. In 1957 the Poultry Products Inspection Act brought poultry under the same inspection system. After the original law was passed, no meat could be sold in interstate and foreign commerce without the USDA inspector's stamp of approval. To earn the stamp, each piece of meat was examined by a USDA inspector who would take a good look as it moved down the line. Although the inspection rules were complex, what they amounted to was that if the meat showed signs of disease or filth, no stamp. Consumers felt safe knowing that no meat would reach them unless it contained that stamp of approval. In the early 1980s, however, inspectors complained that things had changed.

After the Reagan Administration took office, in 1980, the speed at which poultry moved down the assembly line was allowed to more than double. In the 1970s, inspectors say, the line speed was about thirty-five birds a minute. If something caught an inspector's eye, he could stop the line to take a closer look at a potentially diseased or contaminated bird. The maximum rate allowed is ninety-one birds a minute, and now many inspectors say that they can't see much of anything. Even if an inspector is able to find a defect on a bird, the new "streamlined inspection system" (SIS), implemented in 1986, may not allow him to do much about it. If the violation involves what under SIS is considered an aesthetic rather than a public-health problem, the inspector must wait for plant employees to clean up the problem. Some inspectors say that many of the violations said to be aesthetic—such as oil, rust, feathers, and lesions on skin—are in fact dangerous.

There is a backup system, Food Safety Inspection Service officials point out. The inspectors take a sample of ten birds per line twice per eight-hour shift to estimate the level of contamination. If violations exceed a certain threshold, the whole group of birds on the line flunks, opening the possibility that every bird on it will be reviewed.

This may be good in theory, consumer groups say, but not in practice. In the first place, they say, the sample is too small to be representative of the lot. At the Gold 'N' Plump broiler plant in Coldspring, Minnesota, for example, inspectors take four samples of ten birds each out of about 62,500 slaughtered every eight hours. Elementary statistics dictates that ten out of 15,000 is nowwhere near a valid sample size. Second, although a day's slaughter may contain birds from as many as ten different suppliers, the sample may be drawn from just one supplier's birds. If the sample passes, the other nine suppliers' birds are approved too, even though they may have been raised under vastly different conditions. Administration officials counter that plant employees are also taking samples—ten birds per line per hour, with government inspectors checking their paperwork. However, the resulting sample size remains small, and the question is raised as to whether industry self-inspection is a fair substitute for government inspection if a government stamp is to be given at the end of the process.

Some inspectors say that no matter who performs the sample inspection, the USDA standards for examining a lot permit it to receive a perfect score even though it may be full of violations. Two sores or two abscesses on a bird do not count: it must have three of any one, and even then the bird passes—the abscesses and sores are trimmed off. One cancer tumor is also allowed, and is trimmed off (as far as is known, cancer in poultry is not transmissible to people). "It's almost impossible to flunk a lot," says Dave Carney, an inspector and a union representative from Salem, Ohio. "Under SIS you can easily pass a lot of birds that are full of feathers, fecal contamination, blood clots, skin blisters, and abscesses." Air sacculitis, an infection of the respiratory system which can produce pus around the lungs, is allowed if it isn't too advanced. Isn't such a condition an indication that the whole bird is sick? "It's got to be systemic," one veterinairan inspector says, "but I'm not allowed to say so."

Even if a sample does flunk, that does not automatically trigger a full-scale examination. First the company gets to inspect a new sample of its own, and to choose the birds it wants to examine. If the company's results are not consistent with the USDA findings, Carney says, nothing happens.

When I asked a USDA administrator about these charges, he claimed that inspectors are in fact allowed to use their own judgment: "These decisions are made by people who are trained to know the difference between a tumor that is superficial and one that is systemic. There are no absolutes." Lester Crawford, the FSIS chief, agrees: "The inspector is sovereign. He may slow down the line, he may stop the line, he may close the plant" if he believes there is a public health threat.

Many inspectors, however, say that they are often reprimanded by USDA higher-ups when they flunk too many birds or stop the line to inspect more closely. When plant managers complain to USDA officials about inspectors' decisions, the inspectors say, the officials often rule in favor of the plants. Inspectors also charge that they are sometimes punished by the USDA for trying to enforce the law. One says, "Inspectors who try to enforce the law are reprimanded, hounded, transferred." Crawford says, "That would be a felony, and we would not tolerate that. We don't have the right to over-rule the inspectors."

As for inspectors' stories of widespread violations in meat and poultry plants, "only about five percent are committing violations," Crawford says. "The vast majority are in compliance with our regulations." Indeed, not all inspectors are unhappy. Ron Farrell, a veterinarian inspector at three Ohio meat and poultry plants, says that he has never had a problem with the plants, the USDA policies, or the line speeds during his year and a half with the FSIS. Meat and poultry industry spokespeople say that inspectors' complaints are exaggerated in response to the recent modernization of the system, which will make inspectors less important. In 1985 the National Academy of Sciences issued a report characterizing the USDA inspection as old-fashioned and unscientific. Having inspectors examine each animal's carcass, the report said, was insufficient, because most contamination that is transmitted to people cannot be seen with the naked eye; the product should be laboratory-tested at key points during the slaughtering process. The report advised that more use should be made of statistical sampling techniques and recommended that a system for reducing microbiological contamination be instituted at critical points during the process.

USDA officials say that they acted on these recommendations when they streamlined the system, implementing sampling procedures and limiting the duties of inspectors. They also say that they are trying to get the plants themselves to be more active in the process, in order to move from government inspection toward industry quality control. The unhappy inspectors are telling the public about filth and negligence in the plants. USDA and industry spokespeople claim, because they want to return to the old system, in which inspectors had more power and discretion.

It may be true that the inspection system needed to be modernized, but that is not what the USDA has done, consumer advocates say. What they've done," Rod Leonard, at the Community Nutrition Institute, says, "is to dismantle the inspection system without putting a new one in its place. Sampling ten birds per line is hardly what one would call scientifically based statistical sampling. Washing away feces is not modernizing, if the microorganisms remain."

Crawford says that the FSIS is not dismantling the inspection system, only making it more efficient. in addition to removing unnecessary steps, he says, the agency is trying to develop a system to control microbiological contamination during slaughter, as recommended by the NAS report. He points to a project in Puerto Rico, where scientists are studying the life cycle of salmonella to determine how it can be controlled during breeding, growth, and slaughter. From this research, Crawford says, regulations will be issued within the next two years. He also points to a committee he chairs that is "considering the wisdom" of setting threshold limits on bacteria in seafood, meat, and poultry products.

The USDA is, at the same time, working to streamline the inspection of cattle. The new system will cut back inspectors' duties, allowing a dramatic increase in the pace at which cattle move through the slaughtering process—the USDA forecasts a 40 percent increase in industry productivity. USDA spokespeople do not say that the new system will reduce product contamination, only that it will improve inspector efficiency.

Can most of the industry be trusted to ensure the quality of its own product, with reduced responsibility for USDA inspectors? USDA spokespeople say yes. Yet a 1981 Government Accounting Office study of sixty-two meat and poultry slaughtering plants found that 26 percent were not meeting FSIS standards. Months later few plants had improved. The GAO concluded that neither the plants nor the USDA showed much interest in complying with federal sanitation standards.

Furthermore, 1981 was not the last time proultry processors were caught committing violations and the USDA failed to take appropriate action. In 1987 an employee of a Simmons Industries poultry plant in Southwest City, Missouri, admitted before CBVS's 60 Minutes television cameras that he had removed "retain" tags from thousands of contaminated chickens and sent the birds on their way for general consumption. Another employee and several inspectors who worked at the plant reported that this violation was only one of many that Simmons and other plants were committing every day. Following the broadcast the USDA responded to the public outcry by announcing that the plant would be inspected more intensely, with surprise visits, to ensure that it had improved. However, in an affidavit filed with the U.S. Department of Labor last spring a former Simmons employee, Sam Shrum, said that the USDA's get-tough policy was a sham. "We always had from one to two weeks' notice for all the 'surprise' visits and we knew what was going to be checked," Shrum said. After the 60 Minutes broadcast the USDA included a different Simmons Industries plant in a special pilot project in company self-inspection—a project that the USDA claimed was available only to plants with exemplary records.

The chief of inspection has always been in an awkward position," says Carol Foreman, who was an assistant secretary of agriculture under President Jimmy Carter. The chief of inspection, whose job is to police an industry, reports to the Secretary of Agriculture, whose job is to support the industry. Under Reagan the chief's position became even more awkward. The inspection services were moved from a consumer division of the USDA to a division whose other functions include marketing. Robert Bartlett, the chief of the program-review branch of the FSIS, a unit that monitors inspection practices, described the new attitude in a 1981 staff meeting:

The political climate is such that the special interest groups supporting the meat and poultry industry have won and now have the ear of Washington. They "paid their dues" and are now in the driver's seat. * * * The consumer base has disintegrated. We must be versatile and adjust to this new challenge.

What can be done to improve sanitation at poultry plants? "We have to stop the bacteria at the very beginning of the process, before the animals are born—or at the very end, just before delivery to the supermarkets," says Nelson Cox, the Agricultural Research Service microbiologist, who works with a team of other scientists. Some possible approaches include:

Food irradiation. Zapping packaged poultry with nuclear radiation kills most bacteria. Although irradiation for poultry was recently approved by the Food and Drug Administration (as irradiation for fruits and vegetables and a number of other foods has been), the poultry industry has no immediate plans for using the technology, because of widespread consumer fear that the process is unsafe. The industry also worries that the added cost would lower demand.

Irradiation works by splitting molecular chemical bonds with high-energy beams. When enough bonds are split in salmonella and other contaminating bacteria, the bacteria are killed. The problem is in the formation of free radicals, which set off a multitude of chemical reactions in the food and create new molecules called radiolytic products. Whether the radiolytic products are safe is contested, with disputed studies raising doubts about long-term safety. In any case, for now, neither the public nor the poultry industry wants to use irradiation to solve the samonella problem.

Banning animal parts in feed. In this country mixing feathers, intestines, guts, and heads—the dirtiest parts of the carcass—into feed is a routine practice, and it is thought to be a major source of contamination. (Some European governments discourge it.) The bacteria are generally cooked away before the parts are added to the feed, but, Cox notes, the rush to produce tons of feed daily results in some recontaminated feed; the trucks that deliver the raw chicken parts to the feed mill, for example, are seldom cleaned before they carry away the cooked feed. However, Cox says, there is a serious obstacle to banning the leftover chicken parts from feed: "What else are we going to do with the three million tons of it that producers generate each year?"

Cleaner technology. As replacements for scald tanks and rubber defeathering fingers, Cox and his colleagues have been examining mist scalders that blow hot steam on the birds to loosen the feathers. These mist scalders are so effective, Cox says, "that when the birds emerge, you can almost blow the feathers off with your mouth." Unfortunately, the scalders discolor the birds' skin, making the technology unattractive to processors.

"Competitive exclusion." As Cox explains this technique, "You load up the animal's gut with beneficial bacteria that take up all the parking spaces." As a result, human-disease-causing bacteria can't infect the animal. He and his colleague are studying the benefits of competitive exclusion. "We punch a hole in the egg and drop the bacteria culture in just before the chick hatches. It's born with the intestinal tract of an adult chicken—a superchick." Cox thinks that this method, along with chemically cleaning nests to prevent contamination of eggshells, may be the answer. Currently no large-scale American producer is using competitive exclusion. Some smaller ones are, although their method is cruder and, Cox says, less effective than the one the USDA is developing.

In an attempt to find a healthier chicken, many consumers have turned to free-range chicken. Consumers in the Los Angeles area can buy Rocky Range chicken, which is raised out doors under roomier-than-usual conditions, given some sunshine, and not given antibiotics or other growth-stimulating chemicals (although the chickens are still dipped in common water tanks and defeathered with rubber fingers). Although these chickens taste much better than their mass-produced counterparts, a recent Los Angeles Times survey found a small sample to have the same rates of salmonella as the commercial brands when bought out of supermarket meat cases.

Another alternative pursued by consumers is kosher poultry, which is slaughtered in accordance with Jewish dietary laws. The laws attempt to make the slaughter humane, and also require diseased birds to be culled and all traces of blood to be removed from healthy carcasses. The result is a more labor-intensive process and greater attention to detail.

Kosher birds move more slowly along the assembly line, allowing inspectors more time to spot defects. The slower process, together with manual throat-slitting, ensures that the animals stop breathing before they enter water tanks. Therefore they won't inhale the feces-filled water that would contaminate their insides. (They also won't suffer.) Every bird is inspected twice—by a USDA inspector and by a rabbi. No hot water is used, only cold water, so the pores do not open up to let in bacteria. Often when a bird shows signes of disease, the whole bird is rejected, rather than just the diseased parts. Kosher chickens also are not routinely fed low doses of antibiotics, and are given about two to three weeks longer to grow than mass-produced chickens. But they cost two to three times as much.

The USDA and industry spokes-people say they are doing everything possible. Others argue, however, that more progress could easily be made. "It's amazing what can be accomplished when the priorities are there," Carol Foreman says. When she was the chief of inspection, she says, "we decided that if a plant ended up on a chronic-problem list, we would publish its name." If that didn't work,

the plant would be denied inspection services, a move that would in effect put it out of business. "As soon as we publicly announced our intentions, around 1979, the number of chronic-problem plants dropped remarkably."

Foreman admits that the technology needed for high-speed yet safe production may not yet exist. But she believes that the industry will create it if pubic pressure, and government regulations, require it. "This is the most creative industry I've seen, she says. "It can make one pound of meat out of something less than two pounds of feed. They have taken what used to be a backyard operation and made it into one of the most sophisticated industries in the world. And they say, 'We can't get the germs off the food!' What they're really saying is, 'We don't share your priorities.'"—Gene Bruce

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By Mr. BUMPERS (for himself, Mr. AKAKA, Mr. BINGAMAN, and Mr. BURDICK):

S. 1326. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

HUMANITIES EXCELLENCE AND TEACHER TRAINING ACT

• Mr. BUMPERS. Mr. President, I rise today to introduce legislation which I feel very deeply about. I believe this is the Congress that will make major strides in improving the recruitment, preparation, retraining, and retention of teachers in American classrooms, and I hope to play a role in the debate on the appropriate role for the Federal Government to play in the professional development of American teachers. I believe the Federal Government must take a strong leadership role in recruiting new teachers and keeping good teachers in the classroom.

I am an original cosponsor of S. 329, the National Teacher Act of 1991, which was introduced by Senator PELL early in this session. That legislation proposes a comprehensive program for improving the recruitment and retention of teachers. I am particularly interested in one title of that legislation, which would authorize national teacher academies to provide continuing training opportunities for classroom teachers. I am pleased that one of the activities the academies will be sponsoring is summer institutes for teachers.

I commend President Bush for initiating an important dialog with his education reform package aimed at making schools more accountable and preparing students for school achievement, but I have a number of reservations about the President's education package, including concerns about the modest Federal role he proposes, reservations about the choice concept, and questions about whether the package would really help those schools and students who are at highest risk of school failure. Despite my reservations about this package, I am pleased that President Bush has also recognized the need for continuing education of classroom teachers by including Governors' academies for teachers in five core academic subjects.

While the approach of S. 329 is more comprehensive than the legislation I propose, I am still very committed to the program I am introducing today. It is slightly different in focus than the teacher training efforts of the National Teacher Act, and the slight differences are important enough that it should be separately introduced. My legislation goes back to the basics by emphasizing the role of classroom teachers in revitalizing American education.

I want to take a few minutes to present a history of the bill which I call "The Humanities Education Bill." When I read the "Nation at Risk" report in 1983, my reaction was similar to that of my colleagues: Dismay that our students were performing so poorly and that our educational system was so troubled. The dozens of major national reports on education and the report cards issued since the "Nation at Risk" report have done little to allay my fears about American education.

I am shocked, for example, to learn that 75 percent of 11th graders surveyed could not even place Abraham Lincoln's Presidential terms within the period between 1860 and 1889; that four-fifths of the students did not know what the Reconstruction period was; and that 70 percent of students did not know what the Reformation was.

More recently, I read about the weak reading and writing skills of students. Almost 6 of 10 students at age 17 cannot read at a level of difficulty equivalent to newspaper editorials, and about three-quarters of 11th graders can't write a persuasive letter to their Senators. These statistics don't even begin to cover other crises facing our schools, including the fact that in many areas more students drop out of high school than finish—or that thousands of students who do graduate from high school are illiterate.

These statistics do capture some of the changes that are occurring in the schools. Many students do not come to the classroom prepared to learn, and teachers are confronted with an array of problems that could never have been imagined when I was on the school board back in the 1960's.

The crises in the schools have led educators to suggest a broad range of solutions, including innovative concepts like school-based management and teacher effectiveness training. I support broad-based approaches to the problems in American education, but I must admit that my primary response to the crisis in American education—to the crises in rural schools as well as inner city schools—has been the reaction of both a small town school board member and former Governor.

I believe we have to build from the foundation of the American educational system: The classroom teacher. The quickest and simplest way to improve American schools is to keep good teachers in the classroom and improve their skills and knowledge and to recruit highly qualified and motivated teachers. There is obviously a need for competitive salaries for teachers, more minority teachers, and more fully qualified math and science teachers. But I believed in 1983, and I still believe today that much more can be done to help those teachers already in the work force.

I didn't have to look far in 1983 to find a model of teacher training that was a proven success and which could be easily replicated. In the summer of 1983 I read a short article in Time magazine about a summer seminar program for secondary school teachers of the humanities. Teachers chosen for the program were given stipends to go to college campuses during summer months, where they enrolled in rigorous academic courses taught by college professors. The aspect of the program that struck me most was the enthusiasm expressed by the teachers who were fortunate enough to participate in the seminars.

The teachers lauded the program for its intellectual rigor and for the recognition it gave them and their profession. One teacher said, "It's easy to build a wall around yourself and teach students a certain way year after year. I think we'll all go home much better teachers because our excitement about the material will be communicated to the kids." Another said, "In this program high school teachers are recognized as having scholarly interests." No stronger endorsement could have been given the summer seminars than those given by the teachers.

This program, funded and administered by the National Endowment for the Humanities, allowed a select few teachers to go to college campuses for 6-week summer seminars. The seminar topics in that first summer of the program at the University of Texas included Homer's "The Iliad" and "The Odyssey"; Virgil's "Aeneid"; Shakespeare; Alexis de Tocqueville; and Tolstoy's "War and Peace." Almost 2,300 teachers applied for the 225 places available in the first year of the program.

As a member of the Appropriations Committee, I have sought to expand the NEH-sponsored program by increasing the Agency's funding for teacher training. And I want to take this opportunity to applaud Lynne Cheney, chairman of the NEH, for her willingness to administer an expanded program to serve more teachers.

In fiscal year 1991, with a substantial budget increase, the NEH will fund about 65 seminars for 975 teachers. And the NEH has requested an increase in funding, to $4.965 million, to fund about 70 seminars for 1,020 teachers in fiscal

year 1992. I am very pleased that the NEH has willingly and enthusiastically overseen the expansion of the program of seminars, all the while maintaining a very high level of instruction. However, I am impatient about even this level of funding because the NEH seminars can reach only a tiny fraction of the teachers who would benefit from them.

For the last several Congresses I have introduced a bill to establish a comprehensive program of summer seminars in the humanities for elementary and secondary school teachers. The bill is important because it builds on the successful NEH model and because it opens the seminars to all teachers. I will talk about that aspect of the legislation in just a few moments.

Under my bill, the Secretary of Education would be authorized to make grants to colleges, universities, community colleges, and junior colleges to conduct summer humanities institutes for elementary and secondary school teachers. The grants to institutions would include funds for tuition, fees, administration, living expenses, and stipends for participants. The institutes would be restricted to topics in the humanities, including both modern and classical language, literature, history and philosophy, and language arts and social sciences. The bill would guarantee that, if funding reached a certain minimum level, each State would have at lest one institute. The sponsors of the seminars would be required to involve classroom teachers in the planning and development of the seminars.

When I first introduced this legislation in the 98th Congress, only humanities teachers were allowed to participate in the seminars. I thought the seminars were a way to improve teachers' mastery of their subjects, and that they should be limited to those who taught the subjects. Since then, however, I have changed its focus to open the seminars to all teachers, not just teachers of the humanities. I realize that this approach goes against the tide—that most teacher training efforts stress improving a teacher's subject matter skills or skills in her field. However, I believe that a mathematics teacher and his or her students could also benefit if the teacher knows something about the American Revolution, or has spent a summer reading Shakespeare. All students benefit if they share some knowledge of what makes us human. My program will not teach a math teacher more math, but it might make a math teacher a better teacher.

It's also important to remember that it's the humanities which teach us to read, to write, and to communicate with others clearly. The jobs of the 21st century will require strong reading and writing skills, and minimizing the importance of the humanities will weaken Americans students' ability to compete internationally. In a memorandum to his undergraduate students at Harvard University, Prof. Robert Reich advised,

> The intellectual equipment needed for the job of the future is an ability to define problems, quickly assimilate relevant data, conceptualize and reorganize the information, make deductive and inductive leaps with it, ask hard questions about it, discuss findings with colleagues, work collaboratively to find solutions, and then convince others. To the extent [these sorts of skills] can be found in universities at all, they're more likely to be found in subjects such as history, literature, philosophy, and anthropology—in which students can witness how others have grappled for centuries with the challenge of living good and productive lives.

It's also important to recognize the vital link between learning about our democracy and participating in it. In 1986, only 19 percent of 18- to 20-year-olds voted; in 1988, a Presidential election year when we would expect more Americans to vote, only about 36 percent of 18- to 25-year-olds voted. Young people in this country are cavalier about the privilege of voting because they are ignorant of our history and how we became a democracy. Young people generally lack insight into the struggles leading up to the Revolutionary War; the history of the Civil War; the sacrifices of their grandparents during the Second World War; or the struggles—domestic and international—caused by the war in Vietnam. An historian recently commented, "Our citizens are in danger of becoming amnesiacs if you maintain that history is collective memory." I fear that young Americans are already amnesiac about the responsibilities of citizenship—the importance of each man and woman voting whenever he or she has that opportunity. Thomas Jefferson, in justifying the inclusion of the study of history in his plan for education, said

> History, by apprising them of the past, will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views.

Nothing else matters—not rising SAT scores, more science majors, or even increased international competitiveness—if our young people cannot carry on the ideals of democracy.

I feel as strongly about accountability in education as any of my colleagues. I will confess, however, that my bill will probably be criticized because it is not sufficiently targeted; because it won't pay off in the short term to train a math teacher in Shakespeare or a science teacher in how the Constitution was written. I don't think the results of the seminars I propose will be easily quantifiable, at least not in the short run. But I am convinced that these seminars will make an immediate difference in the lives of teachers and will finally make a difference in the quality of education of American students.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1326

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 "Humanities Excellence and Teacher Training Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) it is in the national interest to have citizens who are broadly educated, and it is in the national interest of our Nation's schools to prepare young people for active participation in community life and a democratic society, both of which are not possible without knowledge and understanding of the humanities;

(2) studies in the humanities are essential to ensure that our Nation's children acquire the necessary conceptual and analytical skills and have an appreciation for the traditions and values of Western and non-Western cultures; and

(3) it is necessary to improve the quality of instruction in the humanities, and it is not possible to accomplish this goal unless our Nation's teachers have the necessary background and training in the humanities.

(b) PURPOSE.—It is the purpose of this Act to authorize a national program for improving the quality of education by making grants to institutions of higher education or consortia thereof to enable such institutions or consortia to establish and operate teacher institutes for the enhancement of the humanities knowledge of private and public elementary and secondary school teachers.

SEC. 3. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Secretary shall make grants to institutions of higher education or consortia thereof having an application approved under subsection (b), to enable such institutions or consortia to conduct summer humanities training institutes for the professional development of public and private elementary and secondary school teachers.

(b) AWARD BASIS.—

(1) IN GENERAL.—Grants made pursuant to this section shall be awarded on a competitive basis as measured by the excellence of the program proposed in the application submitted pursuant to section 4, taking into consideration such elements as library resources, faculty achievement, and humanities learning facilities.

(2) SPECIAL RULE.—If the amount appropriated pursuant to the authority of section 6 is greater than $10,000,000 in any fiscal year, the Secretary shall award at least one grant in accordance with the provisions of this Act to an institution of higher education in each State.

(c) USE OF GRANT.—Grants awarded under this Act shall be used for—

(1) the costs associated with enrollment in an institute, including tuition, fees, and living expenses;

(2) a stipend for institute participants; and

(3) the costs of establishing and operating an institute.

(d) EQUITABLE DISTRIBUTION OF GRANTS.—In making grants under this section the

United States shall ensure, to the maximum extent consistent with the purpose of this Act, an equitable distribution of institutes assisted under this Act among States and within States.

SEC. 4. APPLICATION.

(a) IN GENERAL.—Any institution of higher education or consortium thereof desiring to receive a grant under this Act shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

(1) contain a description of the proposed program of instruction, and the extent to which eligible classroom teacher participants will be involved in the planning and design of the institute;

(2) contain an estimate of the number of teachers to attend the institute, and describe the selection procedures;

(3) describe the nature and location of existing facilities to be used in the operation of the institute;

(4) specify the teaching and administrative staff for the institute, including the involvement of faculty from both the humanities and education disciplines and elementary and secondary school teachers;

(5) specify the academic credit, if any, to be awarded for the completion of the course of study to be offered at the institute;

(6) provide a schedule of stipends to be paid to teacher participants in the institute, including—

(A) an allowance for subsistence and other expenses for teachers attending the institute; and

(B) a stipend for participating in the seminar; and

(7) contain assurances that there will be no duplication of Federal assistance provided to institute participants; and

(8) provide adequate assurances that teachers from a State who wish to participate in an institute's activities will be selected on the basis of—

(A) recommendations from a principal or other supervisory official ; or

(B) a demonstrated interest in the humanities discipline or disciplines studied at the institute.

(c) SPECIAL RULE.—No grants shall be made or contracts entered into under this Act except to such extent, or in such amounts, as may be provided in the appropriation Acts.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) the term "humanities" means both modern and classical languages, literature, history, philosophy, and language arts, and social studies;

(2) the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education;

(4) the term "State" means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau (until the Compact of Free Association is ratified); and

(5) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for fiscal year 1992, $60,000,000 for fiscal year 1993, and $70,000,000 for fiscal year 1994 to carry out the provisions of this Act.●

By Mr. BINGAMAN (for himself, Mr. NUNN, Mr. HOLLINGS, Mr. GORE, Mr. MITCHELL, Mr. WIRTH, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1327. A bill to provide for a coordinated Federal program that will enhance the national security and economic competitiveness of the United States by ensuring continued U.S. technological leadership in the development and application of national critical technologies; to the Committee on Commerce, Science, and Transportation.

NATIONAL CRITICAL TECHNOLOGIES ACT

● Mr. BINGAMAN. Mr. President, today I am introducing the National Critical Technologies Act of 1991. This bill is part of a package of five bills Senator HOLLINGS, Senator NUNN, Senator GORE, and I are introducing to maintain U.S. technological leadership and improve the competitiveness of our manufacturing sector. We are pleased to be joined by a number of our colleagues as original cosponsors of this legislation, including Senators MITCHELL, WIRTH, ROCKEFELLER, KENNEDY, MIKULSKI, DIXON, LEVIN, DODD, SHELBY, DASCHLE, LIEBERMAN, and RIEGLE.

The bills represent a joint effort by a group of us on the Armed Services and Commerce Committees to respond to the adverse trends in our technological and manufacturing competitiveness, trends that have been documented in numerous recent Government and private sector reports.

It has been a pleasure to work with Senators HOLLINGS, NUNN, and GORE on this package of legislation. We all realize that if we are going to make progress in reversing our declining competitiveness, the Armed Services and Commerce Committees need to work together. We hope our example will carry over to the executive branch as well. DOD and the civilian agencies must work together, because technologies and manufacturing capabilities we are trying to foster in this package of legislation are critical both to our national security and to our economic well-being.

There is a broad and international consensus on which generic technologies are driving economic growth, and Japan, Europe, and other foreign governments are systematically pursuing leadership in these critical technologies. Many of these same technologies are vital to future weapons systems. A recent report from the private sector Council on Competitiveness entitled "Gaining New Ground" warned that the U.S. position in many critical technologies is slipping and, in some cases, has been lost altogether. The council concluded that, "unless the nation acts immediately to promote its position in critical generic technologies, U.S. competitiveness will erode further, with disastrous consequences for American jobs, economic growth and national security." This act and Senator HOLLINGS' companion bill, the Technology Strategy Act of 1991, both of which build on legislation we have enacted over the last 5 years, are designed to help stem that decline in U.S. technological leadership.

U.S. TECHNOLOGICAL DECLINE

Technology is the future. But for the first time, America's premier place in that future seems in doubt. The country that developed the computer, tamed the atom, and explored the moon is losing one technology-based industry after another to foreign competition. The country that pioneered mass production, machine tools and industrial robots now invests less in plant and equipment than Japan, with a GNP only 60 percent that of ours.

American stores are filled with products invented in the United States but no longer produced here. The ubiquitous video cassette recorder is just one. Although an American company—Ampex Corp.—pioneered the technology, 95 percent of the world's VCR's are now built by Japanese producers. The same story can be told of many other products: televisions, audio tape recorders, cassette disks, liquid crystal display technology, silicon wafers. The list goes on.

In other technologies that the United States pioneered, we are now a distant follower: numerically controlled machine tools, robotics, optoelectronics, and memory chips. Many experts believe that the American computer and software industries are following the same downward trend.

Ironically, the United States remains strong in science, and American firms continue to make most of the world's major technological breakthroughs. But our inability to follow through allows Japan and other rivals to produce the commercial products the world wants. Although the United States still holds key markets, Japanese firms on average can turn technology into new products and processes both more quickly and more cheaply than United States firms.

OBSOLETE FEDERAL POLICY

The strength of U.S. industry in science is due in good part to Federal policy: Following World War II, the Federal Government mapped out a technology course for itself that we continue to follow today. Drawing on the historical thesis of manifest destiny—that America defined itself by constantly pushing out to the frontiers—post-war policymakers such as Vannevar Bush argued that the frontiers of science offered another way for the country to define itself. The result-

ing policy was twofold: support for basic science, and for mission-oriented technology development—primarily defense technology.

That approach, aimed at cultivating the technological frontier, has been extremely successful in many respects. The United States has an unparalleled university research system, a vast pool of scientific talent, and a flexible and efficient government structure for funding cutting-edge research. America leads the world in most areas of basic research: physics, chemistry, astronomy, microbiology, and biochemistry.

America's science policy was well-suited to the postwar era, when U.S. industry overwhelmingly dominated world markets, and it ushered in a period of phenomenal scientific achievement. But three major changes have rendered that approach less effective in an era of strong international competition.

Foreign rivals: The most important change has been the emergence of foreign firms with the ability to adopt and refine technologies developed elsewhere, something we were very good at prior to World War II. The United States has made most of the major breakthroughs in electronics, and yet Japan increasingly dominates that industry. How? Largely by licensing or reverse-engineering our technology, and then developing it into products that are higher-quality and cheaper than anything made in the United States.

The inevitable ease with which technological discoveries can be imitated has taken away much of the advantage once enjoyed by American firms with a new invention. Now, the greatest competitive advantage lies not with those who make the original discovery, but with those who perfect its manufacture.

Technology policy abroad recognizes this reality. Japan focuses on training large numbers of engineers, promoting investment in plant and advanced manufacturing equipment, speeding technology diffusion through cooperative R&D, and assisting small and medium-sized manufacturers through a public network of 170 manufacturing extension centers. Similarly, Germany has an elaborate system of vocational education, a network of applied research and technology transfer centers, and a well developed system of industrial standardization—all designed to promote engineering and manufacturing excellence.

By contrast, our own technology policy cultivates the scientific frontier, largely ignoring downstream issues of engineering and manufacturing. But at what cost? Michael Dertouzos, the chairman of MIT's Commission on Industrial Productivity, recently summed it up. He said, "[in the U.S.] we value creativity and innovativeness, and we don't value production. But the money is not in invention, it's in production." Others have pointed to a publish or perish culture in this country which contrasts to a patent or perish culture in Japan.

Fewer Defense "spinoffs": In addition to basic science, the United States could once rely on applied research on technologies important to the Department of Defense and other mission agencies to yield important civilian applications. For many years, military and space R&D spawned emerging technologies such as computers, semiconductors, and jet-propelled aircraft. DOD was by far the largest market for these technologies in their initial stages. DARPA, in particular, supported leading-edge R&D in dual-use technologies from advanced materials to electronics computing that yielded enormous benefits to the civilian economy. Similarly, the Office of Naval Research and the corresponding offices in the Army and Air Force supported a broad range of research in fields as diverse as economics and aeronautics.

Over the past 20 years, however, defense R&D has been less effective at fostering commercial technology development. First of all, DOD narrowed its vision as an R&D agency at the time of the Vietnam War. As a result of the Mansfield amendment to the fiscal year 1970 Defense Authorization Act, which directed DOD to concentrate on research with direct defense applications, DOD withdrew from supporting many areas, particularly in our universities. Unfortunately, this was a divorce sought by both parties at the time. While the Mansfield amendment was soon repealed, its legacy has lasted. DOD support of technology base R&D has diminished from over 20 percent of its overall research budget in the late 1960's to less than 10 pecent today. In real terms the DOD technology base did not grow in the 1980's while the rest of the research budget, devoted to the development of specific weapons systems, rapidly increased.

In a sense our legislation represents a call on DOD to again broaden its horizons, to recognize that our national security is inextricably linked to the health of our industrial sector, especially at a time when DOD is no longer the dominant customer of high technology products it once was.

Experts agree that the much larger and more dynamic commerical marketplace will increasingly drive the strategic technologies of the future. We will see every more spin-ons to the defense sector in the years ahead and we should be fostering the integration of our civilian and military sectors, not fighting the integration as much of our current defense acquisition system does. And because may U.S. industries critical to national defense have been severely hurt by foreign competition, the Pentagon now finds itself dependent on foreign suppliers for technologies such as electronics components, semiconductor manufacturing equipment, and machine tools. In short, American industry's competitiveness problem has become a genuine threat to national security.

Foreign technology Development: There has been a third major change. Foreign rivals, having out-manufactured us using our own technological breakthroughs are increasingly developing their own. And because both their governments and industry direct their effort almost entirely to the core generic technologies driving economic growth, their investments in that area now exceed our own.

The contrast with Japan is striking to me. Japan is now spending—at the current exchange rate—about $85 billion annually on R&D. About $70 billion of that comes from Japanese industry, almost the same as American industry invests from its own resources despite the far greater size of our economy. About $14 billion is invested by the Japanese Government in civilian R&D and much of this is very closely coupled with the needs of Japan's private sector. We, as a government, spend about the same fraction of GNP on civilian R&D, but unfortunately with much less coupling to private sector needs and much more emphasis on what the Council on Competitiveness has termed national prestige projects. Finally, the Japanese spend less than $1 billion annually on defense R&D, far less than the $40 billion we invest in DOD and DOE weapons research.

One can see a similar, but somewhat less pronounced pattern in European private and public R&D investments. But with these R&D spending patterns we should not be surprised to see technological innovation accelerating abroad. And these patterns suggest that any American effort to meet the foreign technological challenge must involve industry as well as Government. Both are currently underinvesting in long-term research in core generic technologies in comparison with our competitors abroad.

There is strong agreement about what these core technologies are: improvements in advanced materials, electronics and information systems, and engineering and manufacturing are driving innovation and growth in every industry. The National Critical Technologies Panel, a White-House chaired Government-industry committee, issued its first report in April. The 22 generic technologies that the panel identified as critical to future economic prosperity and national security are virtually identical to those identified by the Council on Competitiveness, the Department of Commerce, the Department of Defense, and other United States and foreign technolgy organizations. Most of these critical technologies are not dramatic breakthroughs, such as high temperature

superconductivity, but rather incrementally evolving technologies such as materials processing and flexible manufacturing.

There is also widespread agreement that the United States is losing ground in many of these technologies—irreversibly so in some cases—because of American industry's relative weakness in turning laboratory technology into commercial products and processes quickly and cheaply. The Council on Competitiveness' recent report says it well:

> Leadership in technology is closely linked to leadership in commercial markets * * *. Our national technology priorities must address this marketplace reality.

In contrast to Japan and Europe, the United States has not systematically supported precompetitive research in critical generic technologies. We have done so only to the extent such research coincides with the needs of our mission agencies. In agriculture, in health, in aeronautics, our system generally works. But unfortunately it produces large gaps.

The fundamental problem is rooted in a mistaken application of laissez-faire doctrine to technology policy. Adam Smith himself recognized that in the case of technologies and industries important to national security, nations could not afford to rely solely upon the invisible hand.

Technology is different from commodities like oil. No country has a natural advantage when it comes to computer chips and superconducting alloys. It must be created—through generous support for R&D that is too risky for industry to undertake alone. And that means a direct role for government.

It does not mean government picking winners and losers among individual companies. The critical generic technologies have largely chosen themselves. The question for this Nation is how to ensure that American firms are among the global competitors. That involves providing the necessary infrastructure for American industry in a rational and coordinated approach.

Of the leading industrial countries, the United States alone still fails to provide systematic, coherent support for precompetitive technology development. As market share for U.S. producers continues to shrink, it is time to reexamine our approach.

NATIONAL CRITICAL TECHNOLOGIES ACT OF 1991

The National Critical Technologies Act of 1991 is designed to bolster our country's technology position in four broad ways.

Technology management: First, the act provides for the coordinated management of Federal activities in critical technologies, with direct industry input into that management process. Under the act, the Office of Science and Technology Policy (OSTP)—in close consultation with industry advisory committees—would develop a strategic "roadmap" for each critical technology or set of related critical technologies identified by the National Critical Technologies Panel. Each roadmap would represent a national strategy for maintaining or regaining a leadership position in the development of that technology. The administration's high-performance computing plan—developed at Senator GORE's initiative and the only crosscutting technology plan yet produced by the current interagency process—represents a model for other technology roadmaps required by this act. My understanding is the administration agrees and is already at work on similar plans for advanced materials, biotechnology and manufacturing.

The act also charges OSTP with coordinating technology development activities within the Federal Government, and—in cooperation with industry—periodically evaluating the progress made toward meeting the goals of the roadmap. In short, the act sets up a framework for improved technology management both across Federal agencies and between government and industry.

Technology development: Second, the bill expands the industry-driven component of our Federal research and development effort in critical technologies, to increase its relevance for commercial applications. The act requires the mission agencies, including DOD's Defense Advanced Research Projects Agency (DARPA), to establish "partnerships" with industry to conduct generic, precompetitive R&D. Industry would take the lead in most of these efforts and contribute half the cost. Last year Congress appropriated $50 million to DARPA to fund industry consortia doing R&D in precompetitive technologies. DARPA has indicated it plans to use that money to support partnerships in six areas—optoelectronics, static random access memory chips, superconducting electronics, ceramic fibers, scalable computer systems, and linguistic data processing. All of these are areas selected by DOD and OSTP as critical to the Nation in the long run. The administration eliminated fiscal year 1992 funding for this important program, however. This act reinstates the program and authorizes $100 million for DARPA to expand it. The bill also authorizes $110 million—up from $35 million in fiscal year 1991—for the Department of Commerce's Advanced Technology Program, which supports industry-led projects to develop precompetitive technology. The total authorization for these R&D partnerships is $480 million.

The rationale for these authorizations is straightforward. Just as the Federal Government supports basic research, it must bear part of the burden of exploring risky industrial technologies, which often provide large public benefits but only small private returns. The partnership approach serves to direct public funds to areas that industry itself thinks will have the highest payoffs, but where the benefits would be difficult for individual firms to capture. The partnership approach also guarantees competition in applying technology to meet the needs of the marketplace since partnerships involve at least two and preferably more firms in the precompetitive research.

Technology application: Third, the act supports regional critical technology application centers to help U.S. firms commercialize and apply critical technologies more rapidly and less expensively. Organized around the geographic concentrations of firms that exist in nearly all States—such as autos in Detroit, metalcasting in Birmingham, or electronics in Phoenix—CTAC's will address the "technology infrastructure" needs of firms in the same industry and geographic region. This infrastructure, which is typically lacking for all but the largest U.S. firms, includes (generic) applied R&D and a range of shared technology services: equipment testbed and scale-up facilities, prototype test and development, technical assistance in design and management, market monitoring services, quality testing and standard certification, and education and training. By drawing together firms from complementary sectors, this infrastructure will also strengthen member firms through closer linkages to their customer and supplier firms—a major strength of the Japanese production system.

In keeping with the goal of enhanced technology commercialization and application, industry members will direct the CTAC and provide 40 percent of the cost. State and university participants will contribute another 30 percent. Federal funds will cover the remaining share, not to exceed 30 percent, for a maximum of 6 years.

CTAC's will be selected competitively through a process prescribed by the Secretary of Defense, working closely with the Secretary of Commerce. Selection criteria include the potential contribution of a CTAC to the ability of member firms to compete nationally and internationally, and—as a measure of that likely contribution—the degree of involvement by industry. Where possible, Federal funds will go to sustain or enhance existing programs, rather than to create new ones.

Although some of the building blocks already exist, CTAC's nevertheless address an important need that is currently not being met. About half of the $500 million that States now spend on technology programs goes to industry-university centers—often called "centers of excellence." These centers are indeed excellent, but most of them are

university-dominated and the emphasis is on fundamental research. Industry participants are primarily large firms, and their involvement is generally quite limited. In short, most industry-university centers have enhanced our existing strength in breakthrough innovation but done little to improve commercialization and application—that is, follow through.

The States have developed isolated programs to enhance technology follow through. But those efforts lack sufficient scale and scope, often focusing on a particular need—say, for seed capital or incubators—rather than the range of impediments to technology commercialization and application.

Successful models do exist. Most notable in this country are Ohio's Thomas Edison Centers, designed to enhance the State's existing strengths in materials, manufacturing, and biotechnology. There are nine centers, located where industry and related university activity are concentrated—polymers in Akron, materials technology in Dayton, industrial systems in Toledo, et cetera. The Edison Centers are diverse, but what distinguishes them, overall, is the strong level of industry involvement, and the resulting emphasis on technology application. For example, the Edison Welding Institute in Columbus is operated by its 228 industrial members. The institute conducts research both in-house and through Ohio State University, delivers customized education and training services, and provides engineering services and other assistance with technology application.

Europe provides useful models as well. With a relatively small—pre-1992—domestic market, European firms long ago faced the need to sell in world markets. As a result, Europe has developed a sophisticated set of programs for providing a technology infrastructure, particularly for small and medium sized firms. Programs in Germany, northern Italy, Denmark and elsewhere are remarkably parallel in both their structure—decentralized, sector-based programs that are industry-driven—and their focus—on applied R&D and a comprehensive set of technology services related to product design, market monitoring, education and training, and problem-solving.

Michael Porter's recent book, "The Competitive Advantage of Nations," stresses the regional character of technology development: firms in particular industries tend to cluster geographically—with their customer and supplier firms and with firms in related sectors. Porter says that what makes these geographically concentrated industries competitive has little to do with natural endowment and much to do with public and private investment in specialized factors of production. Critical technology application centers, like the Edison Centers and European programs, provide a way for government and industry to make those much needed investments.

Foreign technology monitoring: Finally, the National Critical Technologies Act expands efforts by U.S. industry and government to monitor and exploit foreign technology advances. Currently, American firms are slow to learn of and adopt technological advances made outside the United States, in contrast to Japan, where government and industry are both organized for global scanning.

The act provides matching funds for industry associations and professional societies to establish an office in Asia or Europe to monitor developments in one or more critical technologies. In addition to disseminating information on foreign advances in R&D and technology application, these offices would identify opportunities for technology transfer and joint ventures involving U.S. firms. This provision is, in part, an effort to encourage U.S. industry associations to be more aggressive in promoting technology transfer and commercialization.

The act also provides for coordination of scanning activities within the Federal Government, by establishing a central clearinghouse in the Department of Commerce for foreign commercial technology monitoring and assessment, and a second clearinghouse in DOD for foreign defense technology monitoring and assessment. Although many Federal agencies routinely collect and disseminate information on foreign technology, the current process is both duplicative and incomplete.

Conclusion: The rationale for the National Critical Technologies Act and Senator HOLLINGS' companion bill, the Federal Technology Strategy Act, can be summed up in a paragraph from the Council on Competitiveness' recent report, "Gaining New Ground":

> The American people and its leaders have too readily assumed that preeminence in science automatically confers technological leadership and commercial success as well. It does not. America assumed that government support for science would be adequate to provide for technology. It is not. In too many sectors, America took technology for granted. Today, the nation is paying the price for that complacency.

The solution to our competitive problems is not to divert resources from science and thereby risk losing our longstanding advantage. But if the United States is to regain its leadership in technology, the Federal Government must step in at other key points where private markets cannot or do not function: in exploring long-term, high-risk industrial R&D at precompetitive stages; in developing the infrastructure of generic R&D and shared services that supports technology application in particular geographic regions; and in monitoring foreign advances in technology development. Like basic research, these are activities that often provide large benefits to society but only small returns to individual firms.

But although limited Federal support is justified, it must be provided in close partnership with industry. Industry involvement in technology development is necessary in order to direct public funds to high-risk areas that industry itself thinks will have the highest payoffs. Similarly, government's role in technology application and foreign technology monitoring is to complement private resources, so as to gain the greatest leverage for Federal funds and to ensure that government dollars do not displace private dollars.

There is precedent for this kind of government-industry cooperation. In 1915, U.S. aviation enthusiasts warned that Europeans would be the first to commercialize the Wright Brothers' invention. At President Teddy Roosevelt's urging, Congress created the National Advisory Committee on Aeronautics, NASA's predecessor, which gave a huge boost to civil aviation. Among other things, NACA provided large wind tunnels that none of the struggling aircraft companies could afford.

More recently, SEMATECH has demonstrated the benefits of a government-industry partnership to develop generic commercial technology. One of SEMATECH's accomplishments has been to strengthen significantly our domestic semiconductor equipment industry. As evidence of that, Motorola's new chip production plant in Austin, TX, will have 80 percent United States equipment; when the plans for the plant were drawn up several years, they called for 80 percent Japanese equipment.

Unfortunately, government-industry partnerships such as NACA and SEMATECH are the exception rather than the rule. Our current national policies and priorities do not routinely or adequately address the commercial technology challenge facing the United States. That in turn poses a risk to national security.

The National Critical Technologies Act of 1991 and the Federal Technology Strategy Act of 1991 provide a framework for addressing this dual challenge. And they do so with sensitivity to the essential role of private markets. The alternative is further technological erosion, with significant damage to jobs, economic growth, and national defense.

Mr. President, I ask unanimous consent that the text of the National Critical Technologies Act appear at the end of my statement.

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

S. 1327

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 referred to as the "National Critical Technologies Act of 1991".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Definitions.

TITLE I—FEDERAL MANAGEMENT OF NATIONAL CRITICAL TECHNOLOGIES

Sec. 101. Requirement for biennial multiyear national critical technology strategic road maps.
Sec. 102. Submission of initial road maps.

TITLE II—FEDERAL SUPPORT FOR DEVELOPMENT OF CRITICAL TECHNOLOGIES

PART A—DEPARTMENT OF DEFENSE

Sec. 201. Critical Technologies Research and Development Partnerships.
Sec. 202. Cooperative agreements and other transactions relating to advanced research projects.
Sec. 203. Independent research and development.
Sec. 204. Authorization of appropriations.

PART B—OTHER DEPARTMENTS AND AGENCIES

Sec. 221. Department of Commerce Advanced Technology Program.
Sec. 222. Department of Energy Critical Technology Partnerships.
Sec. 223. National Aeronautics and Space Administration Critical Technology Partnerships.
Sec. 224. Department of Health and Human Services National Critical Technology Partnerships.

PART C—ADMINISTRATIVE PROVISIONS RELATING TO CRITICAL TECHNOLOGY PARTNERSHIPS

Sec. 231. Lead institution.
Sec. 232. Partnership proposals.
Sec. 233. Selection of Partnerships.
Sec. 234. Protection of information.
Sec. 235. Other assistance to Partnerships.

PART D—ADDITIONAL DEFINITIONS

Sec. 241. Definitions.

TITLE III—CRITICAL TECHNOLOGY APPLICATION CENTERS

Sec. 301. Assistance for critical technology application centers.
Sec. 302. Authorization of appropriations.

TITLE IV—FOREIGN TECHNOLOGY MONITORING AND ASSESSMENT

Sec. 401. Findings.
Sec. 402. Purposes.
Sec. 403. Coordination of the foreign science and technology information activities of the Federal Government.
Sec. 404. Clearinghouse of Foreign Commercial Technology Monitoring and Assessment.
Sec. 405. Overseas Foreign Critical Technology Monitoring and Assessment Grant Program.
Sec. 406. Clearinghouse of Foreign Defense Technology Monitoring and Assessment.
Sec. 407. Utilization of National Science Foundation Foreign Technology Evaluation Program.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) It is essential that the United States remain at least competitive in the development and application of technologies that are critical to national security or economic prosperity, as identified by the National Critical Technologies Panel established pursuant to section 601 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6681).

(2) Despite continued United States leadership in science, the United States is experiencing an erosion of market share and a loss of leadership in numerous critical technologies.

(3) The enormous amount being expended by the Federal Government for research and development, including approximately $75,000,000,000 in fiscal year 1992, is not being managed effectively to ensure that sufficient progress is made in the development and application of national critical technologies.

(4) As United States industry is the primary decisionmaker regarding whether and how technology is to be applied, it is necessary for United States industry to be able effectively to influence the allocation of Federal Government spending on research and development of national critical technologies.

(5) The Federal Government must rely increasingly on the civilian technology and industrial base to meet the national security needs of the United States (notwithstanding that the current Department of Defense acquisition process imposes significant obstacles to the ability of that department of the Federal Government to meet such needs through reliance on that base).

(6) The need for such reliance on the civilian technology and industrial base results principally from the growing convergence of military and commercial technologies and from the increasing tendency for such technologies to be applied to serve the much larger and more vibrant commercial marketplace before being applied to meet military needs.

(7) As a result of the growing accessibility of the basic factors of production in global markets, an industry's ability to compete internationally is increasingly determined by its possession of or access to specialized resources and capabilities.

(8) Because firms in a particular industry tend to concentrate geographically, the international competitiveness of that industry can be enhanced by encouraging the ready availability of necessary specialized resources and capabilities in the region where the industry is located.

(9) Limited Federal Government action to encourage the development of such locally based resources and capabilities is necessary when the private market will not or cannot independently make the investments or take other actions necessary to develop such resources and capabilities.

SEC. 4. PURPOSES.

The purposes of this Act are as follows:

(1) To increase Federal Government support for efforts to identify, manage, develop, and apply national critical technologies.

(2) To provide for an appropriate Federal role in the development of each national critical technology and for the coordination of Federal Government activities contributing to the development of each such technology.

(3) To encourage research and development of the national critical technologies through research contracts, research partnerships, and other cooperative agreements entered into by United States industry with the Department of Defense, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and the Department of Health and Human Services.

(4) To promote the development and sustainment of the international competitiveness of industries in various regions of the United States through the establishment of regional Critical Technology Application Centers that assist the industries in such regions to use one or more national critical technologies for commercial purposes.

(5) To facilitate the coordination of monitoring and assessment of foreign activities in national critical technologies and the dissemination of information on such activities to interested parties in the Federal Government, United States industry, and other interested groups.

SEC. 5. DEFINITIONS.

In this Act:

(1) The terms "Federal laboratory" and "laboratory" have the meaning given the term "laboratory" in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) The term "critical technology" means—

(A) a national critical technology;

(B) an emerging technology; and

(C) a defense critical technology.

(3) The term "national critical technology" means a technology that—

(A) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

(B) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President.

(4) The term "emerging technology" means a technology that—

(A) appears on an emerging technologies list submitted to Congress by the Secretary of Commerce; and

(B) has not been expressly deleted from such list by an emerging technologies list subsequently submitted to Congress by the Secretary.

(5) The term "defense critical technology" means a technology that—

(A) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2508 of title 10, United States Code; and

(B) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.

(6) The term "dual-use critical technology" means a critical technology that has military applications and nonmilitary commercial applications.

(7) The term "defense-specific critical technology" means a defense critical technology that is used solely for military purposes and is unlikely to have any foreseeable nonmilitary commercial applications.

(8) The term "commercial critical technology" means a critical technology that is not a defense-specific critical technology.

TITLE I—FEDERAL MANAGEMENT OF NATIONAL CRITICAL TECHNOLOGIES

SEC. 101. REQUIREMENT FOR BIENNIAL MULTIYEAR NATIONAL CRITICAL TECHNOLOGY STRATEGIC ROAD MAPS.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VII—NATIONAL CRITICAL TECHNOLOGY STRATEGIC ROAD MAPS

"REQUIREMENT FOR STRATEGIC ROAD MAPS

"SEC. 701. (a) The President, acting through the Federal Coordinating Council for Science, Engineering, and Technology, shall develop, issue, and submit to Congress, at least once every two years, a multiyear strategic road map for each national critical technology (hereafter in this title referred to as a 'national critical technology strategic road map' or 'strategic road map').

"(b) Each strategic road map shall cover at least the four fiscal years following the fiscal year in which the strategic road map is submitted to Congress and may cover more than one national critical technology.

"(c) In developing a strategic road map, the Council shall consult with appropriate representatives of United States industry interested in the national critical technology or technologies covered by the strategic road map and with the appropriate national critical technologies advisory committee established pursuant to section 703.

"CONTENT OF STRATEGIC ROAD MAP

"SEC. 702. (a) Each national critical technology strategic road map shall—

"(1) provide an assessment of the current strengths and weaknesses in the national capability of the United States to develop and apply the technology or technologies covered by the strategic road map and the sources of such strengths and weaknesses, including an assessment of the current activities of United States industry, institutions of higher education in the United States, the Federal Government, and State and local governments which enhance or hinder the development and application of such technology or technologies;

"(2) in light of such assessment, provide guidance for the conduct and coordination of the activities of the Federal Government that are directed toward enhancing the development or application of the national critical technology or technologies covered by the strategic road map;

"(3) specify the goals and priorities of such activities;

"(4) provide guidance for the appropriate roles of each department and agency of the Federal Government, United States industry, and institutions of higher education in the United States in implementing the strategic road map; and

"(5) provide guidance for increasing access to foreign sources of the technology or technologies covered by the strategic road map through international cooperation.

"(b) Each national critical technology strategic road map shall identify the joint actions that are feasible and desirable for departments and agencies of the Federal Government to take—

"(1) to ensure that the results of federally funded and federally conducted research and development of the national critical technology or technologies covered by the strategic road map are appropriately disseminated to United States industry;

"(2) to encourage and enhance the use of such results by United States industry; and

"(3) to provide for the education and training of personnel engaged in research and development of such national critical technology or technologies.

"(c) Each national critical technology strategic road map for a national critical technology or technologies (other than the first strategic road map covering such technology or technologies) shall include a discussion of the achievements of the activities conducted pursuant to the preceding strategic road map issued pursuant to section 701. The discussion shall include—

"(1) an analysis of the progress made toward achieving the goals and objectives of the strategic road map;

"(2) a summary of the budgets of the departments and agencies of the Federal Government for research and development of such national critical technology or technologies for the first two fiscal years covered by such preceding strategic road map; and

"(3) any additional actions or recommendations for legislation necessary to carry out the provisions of this title and the provisions of such strategic road map.

"NATIONAL CRITICAL TECHNOLOGIES ADVISORY COMMITTEES

"SEC. 703. (a) The Director of the Office of Science and Technology Policy shall establish one or more national critical technologies advisory committees to ensure that expert advice on each national critical technology is available to the Federal Coordinating Council for Science, Engineering, and Technology for the purposes of carrying out the responsibilities of the Council under this title.

"(b) Each such advisory committee shall consist of members appointed by the Director from among representatives of United States industry, members of industry associations, representatives of labor organizations in the United States, members of professional and technical societies in the United States, and other persons who are qualified to provide the Council with advice and assistance in the development of one or more national critical technology strategic road maps.

"(c) The Director shall designate a member of each advisory committee to serve as the chairman of the advisory committee.

"(d) Each advisory committee shall, for each national critical technology within the purview of such committee, provide the Council with its independent assessment of—

"(1) the goals and priorities for the development and applications of that national critical technology, including an assessment of the extent to which the achievement of such goals and priorities will ensure continued United States leadership in that technology;

"(2) the specific programs and activities that the Federal Government must conduct as complements to the activities of United States industry in order to accomplish such goals and priorities;

"(3) the progress made in implementing the national critical technology strategic road map for that technology;

"(4) any need to revise such strategic road map;

"(5) the balance between the components of the strategic road map; and

"(6) any other issues identified by the Director.

"(e) A national critical technologies advisory committee shall assist in the development of, and shall review, the first national critical technology strategic road map for each national critical technology within the purview of such advisory committee before that strategic road map is submitted to Congress. With regard to that strategic road map, the advisory committee shall provide the Council with its independent assessment of the matters described in paragraphs (1), (2), (4), (5), and (6) of subsection (d).

"RESPONSIBILITIES OF THE COUNCIL

"SEC. 704. The Federal Coordinating Council for Science, Engineering, and Technology shall—

"(1) serve as the lead organization within the Federal Government responsible for—

"(A) the development of each national critical technology strategic road map; and

"(B) the interagency coordination of the Federal Government activities conducted pursuant to such road map;

"(2) report to the President on a biennial basis on any recommended changes in departmental or agency responsibilities that are necessary for better implementation of the strategic road map;

"(3) each year before the submission of the budget to Congress pursuant to section 1105 of title 31, United States Code, review the budget concerning the consistency of the budget with each national critical technology strategic road map and make the results of that review available to appropriate officials within the Executive Office of the President; and

"(4) in carrying out its responsibilities under this title—

"(A) obtain analyses and assessments from the Critical Technologies Institute established by section 822 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686), as appropriate; and

"(B) consider any reports of and studies conducted by (i) departments and agencies within the executive branch, (ii) Congress, (iii) the National Research Council, (iv) industry associations, or (v) other persons and organizations.

"DEFINITIONS

"SEC. 705. In this title, the term 'national critical technology' means a technology that—

"(1) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(2) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President.".

SEC. 102. SUBMISSION OF INITIAL ROAD MAPS.

(a) SCHEDULE FOR SUBMISSION.—The President shall establish a schedule for the submission of the initial national critical technology strategic road maps to Congress at regular intervals between the date of the enactment of this Act and October 1, 1996. The schedule shall provide for the submission of at least three such strategic road maps not later than a date within one year after the date of the enactment of this Act.

(b) REQUIREMENT TO COMPLY WITH SCHEDULE.—The President shall submit each initial national critical technology strategic road map to Congress not later than the earlier of the submission date specified for such strategic road map in the schedule established pursuant to subsection (a) or the date on which the strategic road map is completed.

(c) REFERENCE TO NATIONAL CRITICAL TECHNOLOGY STRATEGIC ROAD MAPS.—The national critical technology strategic road maps referred to in subsections (a) and (b) are the national critical technology strategic road maps required by section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (as added by section 101).

TITLE II—FEDERAL SUPPORT FOR DEVELOPMENT OF CRITICAL TECHNOLOGIES

PART A—DEPARTMENT OF DEFENSE

SEC. 201. CRITICAL TECHNOLOGIES RESEARCH AND DEVELOPMENT PARTNERSHIPS.

(a) DEPARTMENT OF DEFENSE GENERIC, PRECOMPETITIVE TECHNOLOGY DEVELOP-

MENT.—(1) The Secretary of Defense shall enter into cooperative arrangements with entities referred to in subsection (c) in order to encourage and provide for research and development of dual-use critical technologies identified in the annual defense critical technologies plan referred to in section 5(5)(A). Each such arrangement shall be known as a "Defense Dual-Use Technology Partnership".

(2) The Secretary shall enter into as many Partnerships as the Secretary determines necessary in order to ensure the conduct of a significant level of research and development on the critical technologies referred to in paragraph (1).

(b) AUTHORITY TO DELEGATE TO DARPA AND THE SECRETARIES OF THE MILITARY DEPARTMENTS.—The Secretary may act through the Defense Advanced Research Projects Agency or the Secretary of a military department in entering into a Partnership arrangement under this section.

(c) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and may include one or more Federal laboratories, institutions of higher education, agencies of State governments, and any other participants that the Secretary considers appropriate.

SEC. 202. COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS RELATING TO ADVANCED RESEARCH PROJECTS.

(a) BROADENING OF AUTHORITY.—Section 2371 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or a military department" after "Defense Advanced Research Projects Agency"; and

(B) by inserting before the period at the end the following: "and may authorize the Secretary of the military department concerned to enter into such agreements and other transactions"; and

(2) in subsection (b)(1), by striking out "by the Secretary".

(b) AUTHORITY MADE PERMANENT.—Subsection (g) of section 2371 of such title is repealed.

SEC. 203. INDEPENDENT RESEARCH AND DEVELOPMENT.

Section 2372(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as subsection (e); and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5)(A) The maximum amount of the costs provided for in an agreement pursuant to paragraph (2)(A) shall not apply to the exempt portion of any costs referred to in subparagraph (B) that are incurred by the person entering into that agreement with the Secretary of Defense. The exempt portion of such costs is the amount equal to 10 percent of such maximum amount.

"(B) Subparagraph (A) applies to costs that are attributable to the participation by such person in one or more critical technology research and development consortia that—

"(i) involve business firms described in paragraph (6); and

"(ii) engage in research and development activities referred to in subsection (c)(3).

"(6) A business firm referred to in paragraph (5)(B)(i) means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business entity that is owned by a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated to the Department of Defense to carry out section 201 for each of fiscal years 1992 and 1993, as follows:

(1) For the Defense Advanced Research Projects Agency, $100,000,000.

(2) For the Department of the Air Force, $40,000,000.

(3) For the Department of the Navy, $20,000,000.

(4) For the Department of the Army, $10,000,000.

PART B—OTHER DEPARTMENTS AND AGENCIES

SEC. 221. DEPARTMENT OF COMMERCE ADVANCED TECHNOLOGY PROGRAM.

(a) SUPPORT FOR RESEARCH AND DEVELOPMENT OF NATIONAL CRITICAL TECHNOLOGIES.—The Secretary of Commerce shall continue to support the research and development activities of United States industry and joint ventures relating to the development of commercially useful products and services associated with applications of national critical technologies.

(b) DELEGATION TO DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Secretary shall carry out this section through the Director of the National Institute of Standards and Technology acting under the Advanced Technology Program established pursuant to section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n).

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Commerce to carry out this section as follows:

(1) For fiscal year 1992, $110,000,000.

(2) For fiscal year 1993, $135,000,000.

SEC. 222. DEPARTMENT OF ENERGY CRITICAL TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—(1) The Secretary of Energy shall enter into cooperative arrangements with entities referred to in subsection (b) in order to encourage and provide for the conduct of research and development of critical technologies selected by the Secretary. Each such arrangement shall be known as a "Department of Energy Critical Technology Partnership".

(2) The Secretary shall enter into as many Partnerships as the Secretary determines necessary in order to ensure the conduct of a significant level of research and development on the critical technologies referred to in paragraph (1).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and one or more laboratories of the Department of Energy and may include institutions of higher education in the United States, other departments and agencies of the Federal Government, agencies of State governments, and any other participants that the Secretary considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Energy for each of fiscal years 1992 and 1993 to carry out this section as follows:

(1) For atomic energy defense activities, $50,000,000.

(2) For energy research activities, $50,000,000.

SEC. 223. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION CRITICAL TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—(1) The Administrator of the National Aeronautics and Space Administration shall enter into cooperative arrangements with entities referred to in subsection (b) in order to encourage and provide for the conduct of research and development of critical technologies selected by the Administrator. Each such arrangement shall be known as a "NASA Critical Technology Partnership".

(2) The Administrator shall enter into as many Partnerships as the Administrator determines necessary in order to ensure the conduct of a significant level of research and development of the critical technologies referred to in paragraph (1).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and one or more laboratories of the National Aeronautics and Space Administration and may include institutions of higher education in the United States, other departments and agencies of the Federal Government, agencies of State governments, and any other participants that the Administrator considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the National Aeronautics and Space Administration $50,000,000 for each of fiscal years 1992 and 1993 to carry out this section.

SEC. 224. DEPARTMENT OF HEALTH AND HUMAN SERVICES NATIONAL CRITICAL TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—(1) The Secretary of Health and Human Services shall enter into cooperative arrangements with entities referred to in subsection (b) in order to encourage and provide for the conduct of research and development of critical technologies selected by the Secretary. Each such arrangement shall be known as a "Department of Health and Human Services Critical Technology Partnership".

(2) The Secretary shall enter into as many Partnerships as the Secretary determines necessary in order to ensure the conduct of a significant level of research and development on the critical technologies referred to in paragraph (1).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and may include one or more Federal laboratories, institutions of higher education, agencies of State governments, and any other participants that the Secretary considers appropriate.

(c) DELEGATION TO THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.—The Secretary shall act through the Director of the National Institutes of Health in carrying out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Health and Human Services $50,000,000 for each of fiscal years 1992 and 1993 to carry out this section.

PART C—ADMINISTRATIVE PROVISIONS RELATING TO CRITICAL TECHNOLOGY PARTNERSHIPS

SEC. 231. LEAD INSTITUTION.

The participants in each Partnership shall designate a lead institution for the Partner-

ship. The lead institution shall direct the activities of the Partnership.

SEC. 232. PARTNERSHIP PROPOSALS.

(a) SUBMISSION OF PROPOSALS.—Each proposal for the establishment of a Partnership by the Secretary of Defense, the Secretary of Energy, the Administrator of the National Aeronautics and Space Administration, or the Secretary of Health and Human Services, as the case may be, shall be submitted to such official by the lead institution acting on behalf of the proposed participants in the Partnership.

(b) CONTENT OF PROPOSALS.—Each such proposal shall include the following:

(1) Goals and objectives that are consistent with the purposes for which the Partnership may be established.

(2) A research and development plan to achieve such goals and objectives.

(3) Evidence of the expertise of the Partnership participants in developing and using each critical technology that is to be a focus of the research and development activities of the Partnership.

(4) Provisions for the transfer of technology developed by the Partnership, including provisions for transfer through exchange of personnel among the participants in the Partnership.

(5) Evidence of the commitment of eligible firms to participate in the Partnership, including a description of how personnel, equipment, facilities, and expertise of such firms will be used in the planning, conducting, and monitoring of the technology transfer activities of the Partnership and other Partnership activities.

(6) The demonstration of financial commitment required by subsection (c).

(c) COST-SHARING REQUIREMENTS.—(1) Each Partnership proposal shall demonstrate a financial commitment of the non-Federal Government participants to contribute at least 50 percent of the total cost of the Partnership activities. Within the total contribution to be made pursuant to such commitment the non-Federal Government participants may contribute a lesser percentage of the cost incurred during a particular period of Partnership activity or a lesser percentage of the cost of a particular Partnership activity.

(2) In the determination of the contribution made by a non-Federal Government participant, there shall be included the fair market value of the participant's contributions of equipment, services, materials, technology transfer activities, and other assets directly related to the costs associated with the goals and objectives of the Partnership, as determined by the official who establishes the Partnership.

SEC. 233. SELECTION OF PARTNERSHIPS.

(a) SELECTION.—Proposed Partnerships shall be selected through a competitive process prescribed, in consultation with the Director of the Office of Science and Technology Policy, by the Secretary of Defense (for Partnerships to be established by the Director pursuant to section 201), the Secretary of Energy (for Partnerships to be established by such Secretary pursuant to section 222), the Administrator of the National Aeronautics and Space Administration (for Partnerships to be established by the Administrator pursuant to section 223), and the Secretary of Health and Human Services (for Partnerships to be established by such Secretary pursuant to section 224).

(b) REQUIRED CRITERIA.—The criteria for the selection of proposed Partnerships for establishment under this title shall include the following:

(1) The existence of such a significant level of risk of failure to achieve the goals and objectives of the proposed Partnership that timely private sector investment in activities to achieve such goals and objectives is unlikely other than through the Partnership.

(2) Significant promise of achieving the purposes for which the Partnership may be established under this title.

(3) Significant potential for the research and development conducted by such Partnership on a critical technology to contribute to promoting economic prosperity or improving national security, as evidenced by the formulation of business plans for the subsequent commercial development of the technology.

(4) The potential effectiveness of the programs proposed by the Partnership for the transfer of technology through exchanges of personnel among Partnership participants and by other means.

(5) The sufficiency of the breadth of the participation of eligible firms in the Partnership to ensure that there will be competition in the application of the results of Partnership activities to the production of marketable products and the development of marketable processes.

(6) The level of involvement by eligible firms in the proposed Partnership, as determined on the basis of—

(A) the extent of the financial commitment of eligible firms to the activities of the proposed Partnership, including the extent to which the financial commitment of such firms exceeds the requirements in section 232(c); and

(B) the potential for increased participation by eligible firms in the Partnership over time.

(6) Such other capabilities that the Secretary or Administrator, as the case may be, considers desirable.

(c) PAYMENT FOR FEDERAL SUPPORT.—A cooperative agreement or other transaction entered into for or in connection with the establishment of a Partnership under this title may include a clause that requires a participant in the Partnership, as a condition for receiving support under a cooperative agreement or other transaction, to make payments to the department or agency establishing the Partnership.

SEC. 234. PROTECTION OF INFORMATION.

(a) AUTHORITY TO DISCLOSE INFORMATION.—Subject to subsection (b), a participant in a Partnership may disclose information on the research and development activities of the Partnership to the same extent that a Federal laboratory may disclose information under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and all other applicable provisions of law.

(b) LIMITATIONS ON DISCLOSURE.—No officer or employee of the Federal Government may disclose any trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, and is obtained from a non-Federal Government participant in a Partnership as a result of the activities of the Partnership, regardless of whether such activities are subject to the Stevenson-Wydler Technology Innovation Act of 1980. The prohibition in the preceding sentence does not apply to a disclosure made with the consent of such participant.

SEC. 235. OTHER ASSISTANCE TO PARTNERSHIPS.

The Secretary of Defense (in the case of a Partnership established pursuant to section 201), the Secretary of Energy (in the case of a Partnership established pursuant to section 222), the Administrator of the National Aeronautics and Space Administration (in the case of a Partnership established pursuant to section 223), and the Secretary of Health and Human Services (in the case of a Partnership established pursuant to section 224) shall provide the Partnership with technical and other assistance that the Secretary or Administrator (as the case may be) considers necessary and appropriate to facilitate the achievement of the goals and objectives of the Partnership.

PART D—ADDITIONAL DEFINITIONS

SEC. 241. DEFINITIONS.

In this title:

(1) The term "eligible firm" means a company or other business entity that, as determined by the Secretary of Commerce—

(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

(B) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business that is owned by a parent company that is incorporated in a country the government of which—

(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

(2) The term "Partnership" means the following:

(A) In the case of the Department of Defense, a Defense Dual-Use Technology Partnership established by an arrangement entered into by the Secretary of Defense pursuant to section 201.

(B) In the case of the Department of Energy, a Department of Energy Critical Technology Partnership established by an arrangement entered into by the Secretary of Energy pursuant to section 222.

(C) In the case of the National Aeronautics and Space Administration, a NASA Critical Technology Partnership established by an arrangement entered into by the Administrator of the National Aeronautics and Space Administration pursuant to section 223.

(D) In the case of the Department of Health and Human Services, a Department of Health and Human Services Critical Technology Partnership established by an arrangement entered into by the Secretary of Health and Human Services pursuant to section 224.

TITLE III—CRITICAL TECHNOLOGY APPLICATION CENTERS

SEC. 301. ASSISTANCE FOR CRITICAL TECHNOLOGY APPLICATION CENTERS.

(a) CONSOLIDATION OF CERTAIN TITLE 10 CHAPTERS.—Part IV of subtitle A of title 10, United States Code, is amended as follows:

(1) Strike out the heading of chapter 151 and insert in lieu thereof the following:

"SUBCHAPTER II—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO THE ARMED FORCES".

(2) Strike out the heading of chapter 150 and the table of sections of such chapter and insert in lieu thereof the following:

"CHAPTER 152—ISSUE OF SUPPLIES, SERVICES, AND FACILITIES

"SUBCHAPTER	Sec.
"I. Issue to the Armed Forces	2541
"II. Issue of Serviceable Material Other Than to the Armed Forces	2546

"SUBCHAPTER I—ISSUE TO THE ARMED FORCES

"Sec.
"2541. Reserve components: supplies, services, and facilities.".

(3) Redesignate section 2521 as section 2541.

(b) ASSISTANCE PROGRAM REQUIRED.—Title 10, United States Code, is amended by inserting after chapter 149 the following new chapter 150:

"CHAPTER 150—CRITICAL TECHNOLOGY APPLICATION CENTERS

"Sec.
"2521. Critical Technology Application Centers Assistance Program.
"2522. Critical technology application centers.
"2523. Purpose and activities of centers.
"2524. Assistance authorized.
"2525. Proposals for assistance.
"2526. Financial contributions of center participants.
"2527. Management plan.
"2528. Selection of proposals.
"2529. Critical technology application centers evaluation panels.
"2530. Definitions.

"§ 2521. Critical Technology Application Centers Assistance Program

"The Secretary of Defense, in close consultation and coordination with the Secretary of Commerce, shall conduct a program to provide assistance for the activities of regional critical technology application centers in accordance with the provisions of this chapter. The program shall be known as the 'Critical Technology Application Centers Assistance Program'.

"§ 2522. Critical technology application centers

"(a) A critical technology application center eligible to receive assistance under the program is any consortium of participants described in subsection (b) that—

"(1) is established for the purpose set out in section 2523(a) of this title; and

"(2) conducts (or proposes to conduct) activities described in section 2523(b) of this title.

"(b) The participants in a critical technology application center—

"(1) shall include—

"(A) eligible firms that conduct business in the region of the United States to be served by the center; and

"(B) a sponsoring agency in such region; and

"(2) may include—

"(A) institutions of higher education;

"(B) Federal laboratories;

"(C) private, nonprofit organizations; and

"(D) other organizations considered appropriate by the Secretary of Defense.

"(c)(1) A sponsoring agency of a center may be any agency described in paragraph (2) that, as determined by the Secretary, provides adequate assurances that it will—

"(A) meet the financial requirement in section 2526(a) of this title; and

"(B) provide assistance in the management of the center.

"(2) An agency referred to in paragraph (1) is—

"(A) any agency of a State or local government;

"(B) any organization established pursuant to an agreement entered into by two or more States or local governments;

"(C) any organization performing functions pursuant to such an agreement; or

"(D) any membership organization in which a State or local government is a member.

"§ 2523. Purpose and activities of centers

"(a) The purpose of a critical technology application center in a region of the United States is to facilitate the use of one or more national critical technologies for commercial purposes by an industry in that region in order to enhance the development and economic sustainability of the capability of that industry to compete effectively on an international scale and, in the case of the use of national critical technologies having potential military applications, thereby to maintain within the United States industrial capabilities that are vital to the national security of the United States.

"(b) The activities of a center may include the following:

"(1) The joint provision, by participants in the center to other participants in the center, of services that, as jointly determined by the eligible firms participating in the center, will enhance directly the ability of each such firm to use a national critical technology for a commercial purpose. Such services may include the following:

"(A) Operation of equipment testbed and scale-up facilities.

"(B) Development, testing, and evaluation of prototypes.

"(C) Sharing of technical expertise relating to design and management.

"(D) Dissemination of information relating to market trends and technical advances in materials and production equipment.

"(E) Technical education and training.

"(F) Quality testing and standards certification.

"(G) Technical feasibility reviews of ideas and inventions.

"(H) Other services that no such firm is likely to provide for on its own.

"(2) Joint research and development that—

"(A) is generally applicable to the needs of all of the eligible firms participating in the center; and

"(B) as jointly determined by such firms, will enhance directly the ability of such firms to use a national critical technology for a commercial purpose.

"(3) Subject to subsection (c), proprietary research and development that, as determined by one or more of the eligible firms participating in the center, will enhance directly the ability of any such firm to apply a national critical technology for a commercial purpose.

"(4) Appropriate use, by eligible firms participating in the center, of the technological expertise and capabilities of Federal laboratories and institutions of higher education located in the region served by the center.

"(5) Facilitation of the sharing of information, equipment, personnel, and expertise among eligible firms participating in the center and by such firms and other sources of labor, capital, and technological expertise in the region served by the center when such sharing will enhance directly the ability of such firms to use a national critical technology for a commercial purpose.

"(c) The cost incurred in a year for proprietary research and development activities of a center may not exceed 15 percent of the total cost incurred in such year for all activities of the center.

"(d) A critical technology application center receiving assistance under this chapter shall concentrate on building upon, not duplicating, the activities of existing regional institutions that are assisting industry in the region to apply one or more national critical technologies for commercial purposes.

"§ 2524. Assistance authorized

"(a) Under the program, the Secretary may provide—

"(1) financial assistance for the activities of a critical technology application center (including, in the case of a proposed center, the establishment of such center) in any amount not in excess of 30 percent of the cost of conducting such activities (including the cost of establishing a proposed center) during the period covered by the financial assistance; and

"(2) technical assistance for the activities (and, in the case of a proposed center, the establishment) of a center awarded financial assistance authorized by paragraph (1).

"(b) The Secretary may not provide financial assistance for construction of facilities.

"(c) The Secretary may furnish assistance to a critical technology application center under the program for not more than six years.

"§ 2525. Proposals for assistance

"(a) A sponsoring agency may submit to the Secretary a proposal for financial assistance for a critical technology application center.

"(b) Each proposal for financial assistance for a center shall include the following:

"(1) Goals and objectives of the center and a description of the role of the center in improving the competitiveness and productivity of eligible firms on a regional and national basis.

"(2) A program strategy for achieving such goals and objectives, including (A) a research and development plan, (B) a plan for providing services referred to in section 2523(b)(1) of this title, and (C) a description of the other activities to be undertaken by the center.

"(3) A discussion of how personnel, equipment, facilities, and expertise of such firms will be used to support and conduct center activities.

"(4) A management plan that satisfies the requirements of section 2527 of this title.

"(5) The commitment of the eligible firms participating in the center to meet the financial requirement of section 2526(b) of this title.

"§ 2526. Financial contributions of center participants

"(a) The sponsoring agency of a critical technology application center shall pay at least 30 percent of the total cost incurred each year for the activities of the center. Funds contributed for the activities of the center by institutions of higher education or private, nonprofit organizations participating in the center shall be considered as funds contributed by the sponsoring agency.

"(b) The eligible firms participating in a center shall pay at least 40 percent of the total cost incurred each year for the activities of the center.

"(c) The non-Federal Government participants in a center shall pay the total cost incurred each year for proprietary research and development activities of the center.

"(d) In the determination of the contribution made by an eligible firm participating in a center, there shall be included the fair market value of the firm's contributions of equipment, services, materials, and other assets directly related to the costs associated with activities of the center, as determined by the Secretary.

"§ 2527. Management plan

"A critical technology application center shall operate under a management plan that includes the following provisions:

"(1) Provisions for the eligible firms participating in the center to have the primary

responsibility for directing the activities of the center and to exercise that responsibility through, among any other means, majority voting membership of such firms on the board of directors of the center.

"(2) Such other provisions as the Secretary determines necessary to ensure that the policies and activities of the center meet the needs and priorities of such firms.

"(3) Provisions for small and medium-size firms to participate in the center on a dues-paying basis, including a dues structure that encourages firms of such size to participate in the center.

"§ 2528. Selection of proposals

"(a)(1) The Secretary of Defense shall select the critical technology application centers to receive assistance under this chapter. The selections shall be made pursuant to a competitive process which the Secretary shall prescribe.

"(2) The Secretary shall consult closely with the Secretary of Commerce and the Director of the Office of Science and Technology Policy in prescribing the competitive selection process and in making selections pursuant to such process.

"(b) The criteria for selection of a center to receive financial assistance under this title shall include the following:

"(1) The potential for the activities of the center to result in—

"(A) increased international competitiveness and productivity of—

"(i) eligible firms within the region to be served by the center; and

"(ii) eligible firms generally; and

"(B) the emergence in such region of highly productive new firms that are capable of competing on an international scale.

"(2) The level of the involvement of eligible firms in the center, as determined on the basis of the following:

"(A) The extent of the financial commitment of eligible firms to the activities of the center, including the extent to which the financial commitment of such firms exceeds the requirements in section 2526(b) of this title.

"(B) The potential for increased participation by eligible firms in the center over time.

"(C) The provisions made for recruiting small and medium-size eligible firms for participation in the center and for ensuring a significant level of involvement of such firms in the activities of the center.

"(D) The extent to which the eligible firms participating in the center represent, and relate to each other over, the full range of the production process from supplier to producer.

"(3) The extent to which the proposed activities of the center are relevant to identifiable commercial needs of eligible firms conducting business in the region to be served by the center and the quality of those activities for meeting such needs.

"(4) The potential for the center to be able to apply critical technology research and development supported or conducted by Federal laboratories and institutions of higher education.

"(5) The potential for the center to sustain itself through support from industry and other non-Federal Government sources after termination of the Federal assistance provided pursuant to this chapter.

"(6) The level of involvement of appropriate State and local agencies, institutions of higher education, and private, nonprofit entities in the center, as determined on the basis of—

"(A) the extent of the financial commitment of the sponsoring agency to the activities of the center, including the extent to which the financial commitment of such agency exceeds the requirements in section 2526(a) of this title; and

"(B) evidence of the integration of center goals and activities into established programs, departments, and activities.

"(7) The vision, leadership, management direction, and skill of the participants regarding the operation of the center.

"§ 2529. Critical technology application centers evaluation panels

"(a)(1) The Secretary of Defense, in close consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, shall appoint a panel to evaluate the activities of each critical technology application center receiving financial assistance pursuant to this chapter.

"(2) Of the members of each panel—

"(A) at least one-third shall be appointed from among persons in industry who have expertise in matters relating to technology;

"(B) at least one-fourth shall be appointed from among officers and employees of States, local governments, private, nonprofit organizations, or institutions of higher education; and

"(C) at least one-third shall be appointed from among officers and employees of the Federal Government.

"(3) No member of a panel may be an officer or employee of a participant in the center under evaluation by the panel.

"(4) The Secretary shall appoint an officer or employee of the Federal Government to be the chairman of each panel.

"(b) During the 12-month period beginning three years after the date on which a critical technology application center receives financial assistance pursuant to this chapter, the activities of the center shall be evaluated by a panel appointed pursuant to subsection (a). The evaluation shall determine whether the activities of the center are consistent with the purpose set out in section 2523(a) of this title. In the determination of the consistency between such activities and such purpose, consideration shall be given to whether industry in the region served by the center has developed business plans to use a technology developed or applied as a result of such activities to sell products or services in the marketplace and whether such plans are being executed profitably for such industry or are likely to be executed profitably for such industry.

"(c) If the evaluation panel determines that the activities of a critical technology application center are not consistent with the purpose set out in section 2523(a) of this title, no additional financial assistance may be furnished such center under this chapter.

"(d)(1) Each member of an evaluation panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5 for each day (including travel time) during which such member is engaged in the performance of the duties of the evaluation panel. All members of an evaluation panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) The members of an evaluation panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the evaluation panel.

"§ 2530. Definitions

"In this chapter:

"(1) The term 'eligible firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business entity that is owned by a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funds indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

"(2) The terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(3) The term 'national critical technology' means a technology that—

"(A) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(B) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President.".

(c) TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and of part IV of such subtitle are each amended by striking out the items relating to chapters 150 and 151 and inserting in lieu thereof the following:

"150. Critical Technology Application Centers ..... 2521".
"152. Issue of Supplies, Services, and Facilities ..... 2541".

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENT OF DEFENSE.—Funds are hereby authorized to be appropriated for the Department of Defense to carry out the Critical Technology Application Centers Assistance Program established pursuant to chapter 150 of title 10, United States Code (as added by section 301(a)), as follows:

(1) For fiscal year 1992, $50,000,000.

(2) For fiscal year 1993, $75,000,000.

(b) DEPARTMENT OF COMMERCE.—Funds are hereby authorized to be appropriated for the Department of Commerce to carry out the responsibilities of the Secretary of Commerce under the Critical Technology Application Centers Assistance Program as follows:

(1) For fiscal year 1992, $25,000,000.

(2) For fiscal year 1993, $50,000,000.

TITLE IV—FOREIGN TECHNOLOGY MONITORING AND ASSESSMENT

SEC. 401. FINDINGS.

Congress makes the following findings:

(1) The United States high-technology industry faces global competition that, on an unprecedented basis, challenges its leader-

ship in technologies that might have military applications and nonmilitary commercial applications.

(2) The need for further development of critical technologies fundamental to the national security of the United States is converging with the need for further development of critical technologies essential to the economic competitiveness of the United States.

(3) In order to halt the erosion of United States technological leadership and to rebuild United States strength in critical technologies, the United States must abandon the general inclination to ignore technological advances not originating in the United States and monitor and assess technology developments abroad far more coherently and rationally than has been done in the past.

(4) Both the United States Government and the private sector have important interests and roles in monitoring and assessing foreign technologies.

(5) Many departments and agencies of the Federal Government routinely collect and disseminate foreign scientific and technical information and collect or prepare and disseminate analyses of such information in the performance of the missions of such departments and agencies.

(6) The collection and dissemination of such information, and the collection, preparation, and dissemination of analyses of such information, by those departments and agencies is largely uncoordinated, duplicative, and incomplete.

SEC. 402. PURPOSES.

The purposes of this title are as follows:

(1) To establish a means for coordinating the foreign technology monitoring and assessment activities of the Federal Government.

(2) To establish in the Department of Commerce a central clearinghouse for the information and assessments produced by the numerous offices of the Federal Government involved in monitoring foreign activities regarding research, development, and applications of critical technologies, with particular emphasis on technologies that are critical to the commercial competitiveness of the United States.

(3) To establish in the Department of Defense a similar central clearinghouse with particular emphasis on technologies that are critical to the national security of the United States.

(4) To encourage the establishment in Europe and the Pacific Rim Area of privately operated offices to monitor, assess, and disseminate significant developments in commercial critical technology activities in foreign industries.

(5) To provide for the dissemination of information and assessments prepared under the program to Federal Government agencies and other interested parties.

SEC. 403. COORDINATION OF THE FOREIGN SCIENCE AND TECHNOLOGY INFORMATION ACTIVITIES OF THE FEDERAL GOVERNMENT.

The Federal Coordinating Council for Science, Engineering, and Technology shall—

(1) coordinate the activities of the Federal Government directed at monitoring significant foreign technology developments;

(2) facilitate joint foreign science and technology monitoring and assessment efforts of the departments and agencies of the Federal Government involved in the monitoring and assessment of foreign science and technology; and

(3) establish strategic goals and priorities for the clearinghouses established by—

(A) section 5(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704(e)), as added by section 404; and

(B) section 135(c) of title 10, United States Code, as added by section 406.

SEC. 404. CLEARINGHOUSE OF FOREIGN COMMERCIAL TECHNOLOGY MONITORING AND ASSESSMENT.

(a) ESTABLISHMENT OF CLEARINGHOUSE.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) There is established within the Office of the Under Secretary of Commerce for Technology an office to be known as the 'Clearinghouse of Foreign Commercial Technology Monitoring and Assessment'.

"(2) The clearinghouse shall be the lead agency of the Federal Government responsible for the compilation and dissemination of unclassified information and assessments on foreign research, development, and applications of commercial critical technologies.

"(3) The clearinghouse shall have the following responsibilities:

"(A) To maintain a central library for the compilation and dissemination of information and assessments on significant foreign activities in research, development, and applications of commercial critical technologies.

"(B) To establish and maintain a widely accessible data base containing information and assessments regarding foreign science and technology activities that involve commercial critical technologies, including, especially, activities in Europe and in foreign countries located on or near the periphery of the Pacific Ocean (known as the 'Pacific Rim Area').

"(C) To perform liaison activities among appropriate agencies and offices within the Department of Commerce, the Department of State, and other departments and agencies of the Federal Government in order to ensure that significant foreign activities in research, development, and applications of commercial critical technologies are identified, monitored, and assessed by appropriate departments and agencies of the Federal Government.

"(D) To identify the requirements of the Federal Government and United States industry for foreign scientific and technical information regarding commercial critical technologies, for associated foreign economic information, and for assessments of such information and to disseminate notice of such requirements to all departments and agencies of the Federal Government.

"(4) The clearinghouse shall produce, on a biennial basis, an assessment of the most significant foreign activities regarding the national critical technologies identified in the latest biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)).

"(5) The head of each department and agency of the Federal Government shall cooperate with the clearinghouse in coordinating the activities of such department or agency, as the case may be, regarding the collection and transmittal of information and assessments relating to commercial critical technologies.

"(6) In this subsection:

"(A) The term 'commercial critical technology' means a defense critical technology, a national critical technology, or an emerging technology that is not a defense-specific critical technology.

"(B) The term 'defense critical technology' means a technology that—

"(i) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2508 of title 10, United States Code; and

"(ii) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.

"(C) The term 'national critical technology' means a technology that—

"(i) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(ii) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President.

"(D) The term 'emerging technology' means a technology that—

"(i) appears on an emerging technologies list submitted to Congress by the Secretary of Commerce; and

"(ii) has not been expressly deleted from such list by an emerging technologies list subsequently submitted to Congress by the Secretary.

"(E) The term 'defense-specific critical technology' means a defense critical technology that is used solely for military purposes and is unlikely to have any foreseeable nonmilitary commercial applications.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Commerce for each of fiscal years 1992 and 1993, $10,000,000, for the activities of the Clearinghouse of Foreign Commercial Technology Monitoring and Assessment and otherwise for carrying out the provisions of section 5(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (as added by subsection (a)).

SEC. 405. OVERSEAS FOREIGN CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT GRANT PROGRAM.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce shall establish a foreign critical technology monitoring and assessment grant program. Under the program, the Secretary shall award grants to one or more associations referred to in subsection (b) in order to provide grantees with financial assistance for the establishment of foreign critical technology monitoring and assessment offices in Europe and in foreign countries located on or near the periphery of the Pacific Ocean (known as the "Pacific Rim Area").

(b) ELIGIBLE GRANTEES.—Any not-for-profit association of industrial or professional organizations, and any not-for-profit research and development consortium of United States industry, that has economic and scientific interests in research, development, and applications of commercial critical technologies is eligible for a grant under the program.

(c) GRANT PROGRAM REQUIREMENTS AND LIMITATIONS.—(1) Grants shall be awarded on the basis of merit.

(2) The proceeds of a grant or grants made under this section may not be used to provide financial support for a foreign critical technology monitoring and assessment office for more than six years.

(3) The total amount provided a foreign critical technology monitoring and assessment office by grant under this section may not exceed the amount necessary to meet 50 percent of the capital and annual operating and maintenance needs of such office. An applicant for a grant under this section shall provide assurances in the application that the applicant will contribute sufficient funds to meet at least 50 percent of the proposed office's capital and annual operating and maintenance needs for the first three years after the establishment of the office and an increasing share of the total amount necessary to meet such needs for each of the ensuing three years.

(d) OFFICE ACTIVITIES.—Each privately operated, foreign critical technology monitoring and assessment office supported in part with the proceeds of a grant or grants awarded under this section to an association referred to in subsection (b) shall collect, evaluate, and disseminate to members of the association and to the Clearinghouse of Foreign Commercial Technology Monitoring and Assessment of the Department of Commerce assessments of significant activities in research, development, and applications of commercial critical technologies that are conducted in the geographic area in which the office is located and shall identify technology transfer and joint venture opportunities among United States industrial firms located in that area.

(e) FUNDING.—Funds are hereby authorized to be appropriated for the Department of Commerce to carry out the grant program established pursuant to this section as follows:

(1) For fiscal year 1992, $7,500,000.

(2) For fiscal year 1993, $10,000,000.

SEC. 406. CLEARINGHOUSE OF FOREIGN DEFENSE TECHNOLOGY MONITORING AND ASSESSMENT.

(a) AMENDMENT TO TITLE 10, UNITED STATES CODE.—Section 135 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is, within the Office of the Director of Defense Research and Engineering, an office to be known as the 'Clearinghouse of Foreign Defense Technology Monitoring and Assessment'.

"(2) The head of the clearinghouse shall consult closely with the head of the Clearinghouse of Foreign Commercial Technology Monitoring and Assessment of the Department of Commerce in order—

"(A) to minimize the duplication of any effort of the Department of Commerce by the Department of Defense regarding defense critical technologies having potential commercial uses; and

"(B) to ensure that the clearinghouse is effectively utilized to disseminate information to appropriate users of such information within the Federal Government.

"(3) The clearinghouse shall have the following responsibilities:

"(A) To maintain within the Department of Defense a central library for the compilation and appropriate dissemination of unclassified and classified information and assessments regarding significant foreign activities in research, development, and applications of defense critical technologies.

"(B) To establish and maintain—

"(i) a widely accessible unclassified data base of information and assessments regarding foreign science and technology activities that involve critical technologies, including, especially, activities in Europe and in foreign countries located on or near the periphery of the Pacific Ocean (known as the 'Pacific Rim area'); and

"(ii) a classified data base of information and assessments regarding such activities.

"(C) To perform liaison activities among the military departments, Defense agencies, other appropriate offices within the Department of Defense, and appropriate agencies and offices within the Department of Commerce, the Department of State, and other departments and agencies of the Federal Government in order to ensure that significant activities in research, development, and applications of defense critical technologies are identified, monitored, and assessed by an appropriate department or agency of the Federal Government.

"(D) To ensure the maximum practicable public availability of information and assessments contained in the unclassified and classified data bases established pursuant to subparagraph (B) by—

"(i) limiting, to the maximum practicable extent, the restrictive classification of such information and assessments; and

"(ii) disseminating information and assessments regarding defense critical technologies having potential commercial uses to the Clearinghouse of Foreign Commercial Technology Monitoring and Assessment of the Department of Commerce.

"(E) To cooperate with the Clearinghouse of Foreign Commercial Technology Monitoring and Assessment of the Department of Commerce to disseminate unclassified information and assessments regarding defense critical technologies having potential commercial uses so that such information and assessments may be further disseminated within the Federal Government and to the private sector.

"(4) In this subsection, the term 'defense critical technology' means a technology that—

"(A) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2508 of title 10; and

"(B) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for each of fiscal years 1992 and 1993, $10,000,000, for the activities of the Office of Foreign Defense Technology Monitoring and Assessment and otherwise for carrying out the provisions of section 135(c) of title 10, United States Code (as added by subsection (a)).

SEC. 407. UTILIZATION OF NATIONAL SCIENCE FOUNDATION FOREIGN TECHNOLOGY EVALUATION PROGRAM.

(a) AVAILABILITY OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR THE DEPARTMENT OF COMMERCE.—Of the funds authorized to be appropriated to the Department of Commerce in section 404(b) for fiscal years 1992 and 1993, $1,000,000 may be made available to the National Science Foundation for each such fiscal year for support, in whole or in part, of foreign technology evaluation activities directed at the assessment of foreign capabilities in critical technologies.

(b) AVAILABILITY OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR THE DEPARTMENT OF DEFENSE.—Of the funds authorized to be appropriated to the Department of Defense in section 406(b) for fiscal years 1992 and 1993, $1,000,000 may be made available to the National Science Foundation for each such fiscal year for support, in whole or in part, of foreign technology evaluation activities directed at the assessment of foreign capabilities in critical technologies.●

By Mr. BINGAMAN (for himself, Mr. HOLLINGS, Mr. NUNN, Mr. GORE, Mr. WIRTH, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1328. A bill to enhance the national security and economic competitiveness of the United States by providing for increased Federal Government support for the development and deployment of advanced manufacturing technology and the training of manufacturing managers and engineers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADVANCED MANUFACTURING TECHNOLOGY ACT

● Mr. BINGAMAN. Mr. President, today I am introducing the Advanced Manufacturing Technology Act of 1991. This is part of a package of five bills Senator HOLLINGS, Senator NUNN, Senator GORE, and I have worked together to draft. We welcome the cosponsorship of many of our colleagues, including Senators WIRTH, ROCKEFELLER, KENNEDY, DIXON, LEVIN, MIKULSKI, DODD, SHELBY, DASCHLE, LIEBERMAN and RIEGLE for our legislation.

This bill and Senator Hollings' companion bill, the Manufacturing Strategy Act of 1991, will unite the Department of Defense and the Department of Commerce, along with other civilian agencies, in a major effort to boost American manufacturing performance. Nothing less will do. The U.S. industrial base is under attack, and losing—to superb foreign competitors who surpass us not in science and breakthrough discoveries, but in engineering and manufacturing. In short, manufacturing matters, and it matters a great deal.

INDUSTRY'S ACHILLES HEEL

Manufacturing is the Achilles Heel of American industry. The United States dominates the world in science, and American companies make most of the major technological discoveries. But as industry moves along the learning curve, the competition quickly comes down to engineering and manufacturing, where Japanese and West German firms excel and United States firms continue to lag.

American stores are filled with products invented in the U.S. but no longer produced here. The ubiquitous video cassette recorder is just one example. Although an American company—Ampex Corporation—pioneered the technology, 95 percent of the world's VCR's are now built by Japanese producers. The Japanese reaped their advantage by investing years of effort in the manufacture of VCR's.

The same story can be told of many other products: phonographs, televisions, audio tape recorders, cassette disks, liquid crystal display technology, silicon wafers, microwave ovens, machine tool centers. The list

goes on. Similar trends are now evident in semiconductors and computers.

In short, manufacturing matters because, ultimately, it is the greatest source of competitive advantage. The inevitable ease with which a technological discovery can be imitated has taken away much of the edge once enjoyed by American firms with a new invention. Now, the greatest competitive advantage lies not with those who make the original discovery, but with those who perfect its manufacture.

Other governments have learned that lesson well. The thrust of Japanese and West German technology policy is technology diffusion, engineering and manufacturing. By contrast, our own technology policy cultivates the scientific frontier, largely ignoring downstream issues of engineering and manufacturing. But at what cost? Michael Dertouzos, the chairman of MIT's Commission on Industrial Productivity, recently summed it up. He said "[in the U.S.] we value creativity and innovativeness, and we don't value production. But the money is not in invention, it's in production."

AMERICA'S MANUFACTURING PROBLEM

Ironically, the U.S. once excelled at production. According to the Economist, "British industrialists strolling around the Crystal Palace in London (in 1851) were horrified at the quality of the latest American guns. Unfair, they said. The dastardly colonials were using a British idea—a new lathe designed by a Mr. Maudsley—to mill weapons with greater precision than the British. Then they had the cheek to sell Britons the fruits of their own basic research." Similar complaints were later voiced about American success with radar, penicillin, polyesters, medical CAT scanners, and other British inventions.

As late as World War II, the United States strength was still in manufacturing. America defeated Germany not with superior technology but with superior production, resulting in greater numbers of ships, planes and weapons.

In recent decades, however, U.S. industry has fallen behind in the invention, production and adoption of advanced manufacturing technology broadly defined. As we enter the 1990's, many American firms are using manufacturing methods better suited to the 1950's.

In part, the problem results from sheer underinvestment. In the 1970's and 1980's, fixed capital investment in manufacturing—as a share of manufacturing output—was 1.5 times higher in Japan than in the United States. In developing new products and processes, Japanese firms devote almost double the share of total project costs to tooling and equipment as do American firms. And Japan now uses numerically controlled machine tools at one-and-a-half times the United States rate. Japan also employs about seven times as many industrial robots per thousand workers as does the United States. West Germany, Sweden, and several other countries have higher robot densities than the United States.

But the problem goes well beyond underinvestment in capital. U.S. manufacturers have also lagged foreign competitors in product development, design, quality control, shop floor organization, inventory management, and workforce training. This means that even when a firm invests in equipment, the equipment is not employed to full potential. For example, using similar flexible manufacturing systems, U.S. firms produce a less varied mix of parts, make fewer parts per day, introduce fewer new parts, and have less machine up-time than comparable Japanese firms.

The U.S. defense industry exhibits the same patterns as the civilian sector. Despite leadership in developing radically new products, DOD contractors have lagged in the adoption of new process technology and production management techniques. A recent National Research Council panel on defense manufacturing identified these concerns with our defense industrial base: Rapidly rising equipment costs, inadequate product quality, lack of surge capability, increasing lead times for new products, lack of cost-reducing capital investments, lack of domestic parts suppliers, despite excess, and capacity at the prime contractor level.

Similarly, the Center for Strategic and International Studies released a report this spring entitled "Integrating Commercial and Military Technologies for National Strength," which pointed out that the current defense acquisition system imposes numerous obstacles to dealing with these problems. Rather than seeking to build on the commercial sector to the mutual advantage of both our security and competitiveness, the existing system drives the two sectors apart.

In both the civilian and defense sectors, the problems of U.S. manufacturing are most acute in small- and medium-sized firms—those with fewer than 500 workers. There are 360,000 of these smaller firms in the United States and they account for 10 to 12 million jobs and more than half of the value added in manufacturing. Although most of these firms are not major exporters, as suppliers to large U.S. manufacturers they have a substantial indirect effect on American competitiveness. They are also critical to national security. The 1991 Joint Chiefs of Staff net assessment concludes that the loss of manufacturers of subsystem components is a threat to our Nation's ability to field state-of-the-art weapons systems.

The U.S. Bureau of the Census, in the largest survey to date of technology adoption in U.S. manufacturing, recently confirmed the lagging performance of small and medium-sized firms. Census asked nearly 10,000 firms in five industries about their use of 17 advanced manufacturing technologies. In all 17 areas, larger firms—those with more than 500 employees—had higher technology adoption rates than smaller firms. For example, large manufacturing firms are twice as likely to use numerically controlled or computer numerically controlled machine tools as are the smallest firms, and three times as likely to use computer-aided design or computer-aided engineering. The best estimates indicate that the productivity rate for small- and medium-sized manufacturing firms is about three-fourths that of large manufacturers.

Japanese and West German Governments make it a priority to strengthen small- and medium-sized manufacturing firms. Japan spends $500 million a year on a public network of 170 manufacturing support centers, known as kohsetsushi centers. When Showa Precision Tools, a successful $1.2-million-a-year diemaking company in Yokohama, decided to buy new equipment for its plant in 1988, the firm received a free evaluation of its purchase plan from manufacturing experts at the Yokohama kohsetsushi center. Upon request, the center will also dispatch a sensei, or master, to instruct shop foremen in quality-control techniques.

The United States, too, has innovative programs—largely at the State level—to modernize small- and medium-sized manufacturing firms. But these manufacturing extension programs are seriously underfunded and receive almost no Federal support; total funding is at most $70 million a year—about $20 million of that from the Federal Government. In striking contrast, our nation spends $1.1 billion each year on agricultural extension—one-third Federal. And yet agriculture accounts for only three percent of GNP, while manufacturing contributes more than 20 percent.

MANUFACTURING IS INDISPENSABLE

What Japan, West Germany, and other countries seem to understand better than the United States is the indispensable role of manufacturing in an advanced economy. Contrary to prophesies of a postindustrial age, manufacturing remains critical to this Nation for three reasons.

First, manufacturing represents more than 20 percent of U.S. gross national product [GNP]—over 18 million jobs. Another 8 to 10 million jobs in upstream services and raw materials go to support manufacturing—such things as machinery repair, testing and lab work, and payroll and accounting. In all, 25 percent of American jobs are closely linked to manufacturing.

Moreover, these jobs are relatively high paying. On average, American manufacturing workers earn 10 percent more than service workers and nearly

double that of those employed in retail trade.

Despite their economic importance, our country is losing manufacturing jobs steadily. As of April, 18.3 million Americans were employed in manufacturing—down from 21 million in 1979 and 19.5 million in the late 1980's. Some of that erosion is a temporary consequence of the recession, but some of it is not. The Office of Technology Assessment estimates that over 1 million manufacturing jobs have been lost as the result of import competition.

Second, international trade is dominated by manufactured goods. Eighty percent of the $100 billion-a-year U.S. trade deficit is in manufacturing—three-quarters of that in just three industries: electronics, autos, and textiles.

Third, the manufacturing sector supports 90 percent of the privately funded research and development in this country. Manufacturing industries are truly the battleground on which the global technology war is being fought.

In sum, boosting American manufacturing performance is critical not just for the survival of U.S. manufacturing firms. It is also critical to strengthening employment and living standards, to reducing our trade deficit, and to supporting continued research and technology development.

ADVANCED MANUFACTURING TECHNOLOGY ACT OF 1991

The Advanced Manufacturing Technology Act of 1991 is designed to boost American manufacturing performance in five broad ways.

Technology management: First, the act provides for the coordinated planning and management of Federal activities in advanced manufacturing technology, with direct industry input into that planning process. Under the act, the Office of Science and Technology Policy [OSTP]—in close consultation with an industry-dominated advisory committee—would develop a 5-year technology roadmap for manufacturing. The roadmap would represent a national strategy for regaining a leadership position in the development of advanced manufacturing technology. OSTP would also coordinate technology development activities within the Federal Government, so as to strengthen working relationships between agencies.

In fairness to the administration, it has already begun this process. The Office of Management and Budget recently completed an inventory of Federal spending on manufacturing R&D, and OSTP has said it will follow up with a broad plan for manufacturing in fiscal year 1993. This bill will expedite that planning process and assure a central role for industry.

Technology development: Second, the legislation increases Federal support for the research and development of advanced manufacturing technology: According to OMB's inventory, manufacturing currently receives less than 2 percent of the Government's research budget, and 80 percent of that is defense-related either in DOD's or the Department of Energy's Defense Programs budget. The administration's budget request for fiscal year 1992 proposes sharp reductions in the defense manufacturing technology program. Our legislation provides stable funding for DOD's Mantech and Industrial Preparedness Programs—roughly $300 million, or triple the administrations request. The bill also authorizes additional funds for the Department of Commerce's Advanced Technology Program, specifically for advanced manfacturing R&D. In addition, the act requires the Departments of Defense, Commerce, and Energy, NASA, and the National Science Foundation to establish R&D partnerships with industry in advanced manufacturing. In most of the civilian efforts authorized by this title, industry would take the lead and contribute half the cost.

The rationale for these partnerships is straightforward. Just as the Federal Government supports basic research, it must bear part of the burden of exploring risky industrial technologies, which often provide large public benefits but only small private returns. The partnership approach serves to direct public funds to areas that industry itself thinks will have the highest payoffs, but where the benefits would be difficult for individual firms to capture. It also ensures there will be competition in bringing the technology developed by the partnerships to the marketplace by involving at least two and preferably more firms in each partnership.

Technology deployment: Third, our bill creates a National Manufacturing Extension Program modeled loosely after the highly successful agricultural extension service. Under this program, the Federal Government will provide matching funds for new and existing State, local, and nonprofit programs to modernize small- and medium-sized manufacturing firms, where the problem is most acute. In these programs, industrially-experienced engineers and other specialists work closely with smaller firms to solve production problems, boost quality and productivity, improve training, and introduce off-the-shelf technology. Not all manufacturing extension programs are equally effective, but the better ones have demonstrated their value, as the Office of Technology Assessment's 1990 report on manufacturing, "Making Things Better," enthusiastically concluded.

Federal support would allow States, localities, and nonprofit groups to expand some of the very good programs currently operating and to initiate programs where none exist. A wide range of programs would be eligible, including in-factory assistance, teaching factories, computer integrated manufacturing [CIM] centers, manufacturing technology testbeds, and flexible manufacturing networks. Given the magnitude of the challenge of modernizing small- and medium-sized firms, this program is intended to be inclusive rather than exclusive. But to insure results, three key criteria will guide the allocation of Federal matching funds.

One is the effectiveness of the program, including the use of an integrated approach to improving firms' manufacturing technology, work force training, and management. The problems of smaller firms are interrelated, and programs that tackle just technology are insufficient. A second criterion is the efficiency of service delivery. There is no substitute for one-on-one contact between an extension agent and a client firm in many cases, but a program should also seek to leverage its resources—for example, by providing group services to firms in a particular region and sector, or by facilitating self-help mechanisms such as manufacturing networks. The third key criterion is significant involvement by industry, which is itself a way to leverage extension activities. Particularly important is the participation of: First, key customers—the large OEM's [original equipment manufacturers] who must motivate many of their supplier firms to improve, and second, manufacturing equipment vendors. Like key customers, equipment vendors will benefit directly from the enhanced sophistication of small- and medium-sized manufacturers.

Our proposed program represents a major commitment by the Federal Government to work with States and industry to upgrade small- and midsized manufacturers. OTA calculated that assistance to 24,000 firms a year—7 percent of the total—would cost $120 million to $480 million, depending on the level and quality of service. Our proposed authorization for fiscal year 1992 of $80 million—$30 million for DOC, $50 million for DOD—together with the required matching funds, would allow States to achieve that modest target. By 1995, we would like to see that amount grow to a national expenditure of about $350 million—$175 million Federal. A program of that size, though still dwarfed by Japan's $500-million-a-year kohsetsushi network, could provide service to as many as 65,000 firms a year.

As is fitting and necessary for an ambitious campaign to modernize America's manufacturing base, the National Manufacturing Extension Program would be a partnership between the Department of Commerce and the Department of Defense. The Commerce Department's National Institute of Standards and Technology has the expertise to administer the program, since its current responsibilities include related activities, which Senator

HOLLINGS has initiated in previous years and which he proposes to expand in the Manufacturing Strategy Act of 1991. And the Department of Defense has a vital interest in the program, since DOD relies increasingly on commercial products, processes, and buying practices for meeting the needs of the military. More narrowly, defense subtier suppliers, whose ranks are dwindling, would be a key target group for a national extension effort. State programs in Pennsylvania, Ohio, New York, Maryland, and elsewhere are currently helping smaller defense contractors diversify into civilian markets, so that they can continue to supply a shrinking DOD market.

Technology education and training: In the area of education, the Advanced Manufacturing Technology Act authorizes $25 million for Federal matching grants to expand post-secondary degree programs in manufacturing engineering and management. This is an area Senator NUNN took the lead in drafting and he is today introducing this component of the Advanced Manufacturing Technology Act as a separate bill to highlight its importance. The program developed by Senator NUNN would be funded by DOD, working closely with the National Science Foundation, which has a strong track record of support for manufacturing research and education.

Engineering schools in the United States, increasingly science-oriented in the last 30 years, have all but ignored the applied field of manufacturing engineering. There are hopeful signs of change: Leading universities—Georgia Tech, MIT, Penn State, Purdue, and Stanford—have established manufacturing engineering programs, primarily at the graduate level, and these programs are showing results. But these programs can only begin to satisfy the urgent need for engineers trained in manufacturing and design disciplines, for managers versed in manufacturing technology, and for faculty qualified to teach manufacturing engineering.

To help address this diverse need, our bill directs DOD to make grants to at least 10 U.S. colleges and universities—both to expand existing undergraduate and graduate programs in manufacturing engineering and to establish new ones. The programs must combine research and work experience with multidisciplinary classroom training. And, as with all of the programs proposed in this act, there must be significant industry involvement.

The education and training title of our bill establishes a second program, Manufacturing Managers in the Classroom, to strengthen the capacity of technical and community colleges and other post-secondary schools to serve regional manufacturing firms. Under this program, the Federal Government would provide matching funds for such schools to recruit experienced manufacturing managers from industry and Federal labs—say, for a 1- to 2- year sabbatical. The managers would help to identify the education and training requirements of regional firms, develop the appropriate teaching curricula for classroom and in-factory classes, and market the programs and facilities of the school to the relevant firms. In short, the managers would serve as a bridge between the factory and the classroom.

The Federal matching funds for this program would be competitively awarded, based on a merit review. As with the National Manufacturing Extension Program, Manufacturing Managers in the Classroom would be a partnership between the Department of Commerce and the Department of Defense. Funding criteria would include the following: First, strong industry involvement; second, evidence that the school has identified ways both to help the manager become an effective teacher and to institutionalize the manager's knowledge and expertise; and third, evidence that the proposed activities are of an appropriate scale and a sufficient quality to ensure a long-term improvement in the school's ability to serve the education and training needs of regional firms.

International activities: Finally, the Advanced Manufacturing Technology Act specifies that a small amount of the funds authorized for technology development shall go specifically to increase access to foreign technology through international cooperation in advanced manufacturing. So far, the United States has been in the position of responding to proposals for cooperative R&D from other countries—proposals that have received a mixed reaction from American firms and universities. Yet few would disagree that international cooperation in manufacturing, under the right conditions, can benefit all parties. The funds set aside for international cooperation by this bill will allow the Federal Government, working closely with U.S. firms and universities, to begin to initiate its own proposals.

CONCLUSION

U.S. industry, long accustomed to a virtual monopoly of world markets, ignored the critical importance of manufacturing in a competitive global economy. Federal science policy ignored it as well. We are now paying a heavy price for that neglect. The MIT Commission on Industrial Productivity said it well in the Commission's 1989 book, "Made in America:" "In order to live well, a country must produce well."

If the United States is to regain leadership in manufacturing, the Federal Government must step in where private markets can not or do not function: In exploring risky industrial technologies that provide large benefits to society but only small returns to individual firms; in deploying modern manufacturing practices and technology to smaller manufacturing firms, which lack the resources to modernize on their own; and in educating sufficient numbers of manufacturing professionals and skilled production workers.

But at the same time, Government must have strong industry participation at every stage. Industry involvement in technology development is necessary in order to direct public funds to high-risk areas that industry itself thinks will have the highest payoffs. Similarly, Government's role in technology deployment and education must be to complement and leverage private resources. Public resources alone are inadequate to meet the scale of the challenge. Moreover, manufacturing modernization is a continual process of adjustment rather than a threshold event; that calls for integrated systems rather than discrete public programs—systems that rely heavily on assistance from key customers and collective problem solving by smaller firms themselves.

The Advanced Manufacturing Technology Act of 1991 and Senator HOLLINGS' companion bill, the Manufacturing Strategy Act of 1991, set out a coherent and ambitious plan for Government-industry cooperation in manufacturing technology management, development, deployment, education, and international cooperation. The bills would also forge an important partnership within the Federal Government, joining the resources of the Department of Defense, the Department of Commerce, and other civilian agencies. If there was ever a challenge that called for such a united front, it is manufacturing. State and local governments and universities are also brought into the partnership, and in turn encouraged to work with and through industry.

The actions proposed in these bills are not sufficient to make up for Government and industry's past neglect of manufacturing. In particular, there must be separate consideration of providing direct incentives for firms to invest in worker training and manufacturing plant and equipment. More generally, it took decades for the United States to lose its leadership position in manufacturing, and it will take decades to restore it. But the Advanced Manufacturing Technology Act of 1991 and the Manufacturing Strategy Act of 1991 put us on that important path, and they take a major step toward reclaiming our heritage as a powerful manufacturing nation.

Mr. President, I ask unanimous consent that the text of the Advanced Manufacturing Technology Act of 1991 be printed at the end of my remarks.

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

S. 1328

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 referred to as the "Advanced Manufacturing Technology Act of 1991".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Definitions.

TITLE I—ADVANCED MANUFACTURING TECHNOLOGY MANAGEMENT

Sec. 101. Requirement for biennial multiyear advanced manufacturing technology strategic road map.
Sec. 102. Submission of first advanced manufacturing technology strategic road map.

TITLE II—ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT

PART A—DEPARTMENT OF DEFENSE

Sec. 201. Defense manufacturing technology and industrial preparedness.
Sec. 202. Department of Defense Advanced Manufacturing Technology Partnerships.
Sec. 203. Authorization of appropriations.

PART B—DEPARTMENT OF COMMERCE

Sec. 221. Advanced Manufacturing Technology Program component.
Sec. 222. Department of Commerce Advanced Manufacturing Technology Partnerships.
Sec. 223. Authorization of appropriations.

PART C—OTHER DEPARTMENTS AND AGENCIES

Sec. 231. Department of Energy Advanced Manufacturing Technology Partnerships.
Sec. 232. NASA Advanced Manufacturing Technology Partnerships.
Sec. 233. National Science Foundation Advanced Manufacturing Technology Partnerships.

PART D—ADMINISTRATIVE AND OTHER PROVISIONS FOR PARTNERSHIPS

Sec. 241. Lead institution.
Sec. 242. Partnership proposals.
Sec. 243. Selection of partnerships.
Sec. 244. Protection of information.
Sec. 245. Technical and other assistance.
Sec. 246. Consultation on partnership activities.

PART E—ADDITIONAL DEFINITIONS

Sec. 251. Definitions.

TITLE III—MANUFACTURING EXTENSION PROGRAMS

Sec. 301. Defense manufacturing extension programs.
Sec. 302. National Manufacturing Extension Program.
Sec. 303. Interagency Council on Manufacturing Extension.
Sec. 304. Authorizations of appropriations.

TITLE IV—MANUFACTURING EDUCATION AND TRAINING

PART A—DEFENSE MANUFACTURING ENGINEERING EDUCATION

Sec. 401. Findings and purposes.
Sec. 402. Manufacturing Engineering Education Grant Program.
Sec. 403. Covered programs of manufacturing engineering education.
Sec. 404. Grant proposals.
Sec. 405. Grant awards.
Sec. 406. Definition.
Sec. 407. Authorization of appropriations.

PART B—MANUFACTURING MANAGERS IN THE CLASSROOM

Sec. 421. Manufacturing Managers in the Classroom Program.
Sec. 422. Authorization of appropriations.

TITLE V—INTERNATIONAL ACTIVITIES IN ADVANCED MANUFACTURING

Sec. 501. Findings and purpose.
Sec. 502. International cooperation in research and development.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The greatest competitive advantage to be derived from a technological discovery lies not with the discovery itself but, rather, with the perfecting of its manufacturing uses.

(2) United States industry has fallen behind industry in other countries in the invention, production, and use of advanced manufacturing technology.

(3) The cost of such lag to United States manufacturing productivity has been high, and the resulting weakness in the United States manufacturing base poses a threat to the national security of the United States.

(4) The 360,000 United States manufacturing firms with fewer than 500 workers are routinely among the last of the United States manufacturing firms to adopt and use advanced manufacturing technology.

(5) The vitality of these 360,000 small and medium-sized firms is critical to the economic prosperity of the United States, for more than half of the value added in the United States to commodities and products by manufacturing such commodities and products into end products is attributable to the manufacturing activities of such firms.

(6) The vitality of these 360,000 small and medium-sized firms, as well as large manufacturing firms, is also critical to the national security of the United States because the Department of Defense relies increasingly on commercial products, processes, and buying practices for meeting the needs of the Department of Defense for supplies and other property.

(7) Manufacturing extension programs conducted by States and other organizations, in some cases with support from large manufacturing firms, are effective in helping small and medium-sized firms modernize their manufacturing equipment and practices. However, such programs involve only a few thousand firms each year.

(8) Efforts by the Department of Defense, Department of Commerce, and other departments and agencies of the Federal Government to modernize United States manufacturing firms should be thoroughly integrated rather than separate and distinct.

(9) Education and training of United States managers, engineers, and workers in the disciplines that place appropriate emphasis on the entire manufacturing process, including design and customer support, are vital for ensuring the ability of United States manufacturing firms to keep pace with advances in manufacturing technology.

SEC. 4. PURPOSES.

The purposes of this Act are as follows:

(1) To ensure that within 10 years after the date of the enactment of this Act the United States is second to no other nation in the development, deployment, and use of advanced manufacturing technology.

(2) To provide for the coordination of the activities of the Federal Government regarding advanced manufacturing technology.

(3) To encourage the development and utilization of generic, precompetitive advanced manufacturing technology through Department of Defense, Department of Commerce, Department of Energy, National Aeronautics and Space Administration, and National Science Foundation programs for awarding research grants and research contracts, establishing research partnerships, and making of other cooperative agreements with United States industry.

(4) To support State, local, and private, nonprofit programs devoted to improving the quality, productivity, and performance of small and medium-sized United States manufacturing firms.

(5) To support the establishment of new programs for the study of manufacturing engineering and management in institutions of higher education in the United States and the enhancement of existing programs for the study of manufacturing engineering and management in such institutions.

(6) To encourage and support teaching by experienced manufacturing managers and experts from United States industry and Federal laboratories in institutions of higher education in the United States.

(7) To facilitate increased access to foreign sources of advanced manufacturing technology through international cooperation by the Federal Government and United States industry in international activities relating to such technology.

SEC. 5. DEFINITIONS.

In this Act:

(1) The term "advanced manufacturing technology" means processes, equipment, techniques, practices, capabilities (including organizational and management practices and capabilities), and skills (including worker skills) that are applied in ways intended—

(A) to improve the efficiency by which a product similar in character to existing products is designed, developed, tested, and manufactured;

(B) to reduce the cost of designing or producing a product;

(C) to improve the quality of a product, including the reliability, functionality, and maintainability of the product; or

(D) to expand the technical capability to design, develop, test, and manufacture a product that is fundamentally different in character from existing products.

(2) The terms "Federal laboratory" and "laboratory" have the meaning given the term "laboratory" in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

TITLE I—ADVANCED MANUFACTURING TECHNOLOGY MANAGEMENT

SEC. 101. REQUIREMENT FOR BIENNIAL MULTIYEAR ADVANCED MANUFACTURING TECHNOLOGY STRATEGIC ROAD MAP.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VII—NATIONAL ADVANCED MANUFACTURING TECHNOLOGY STRATEGIC ROAD MAP

"REQUIREMENT FOR STRATEGIC ROAD MAP

"SEC. 701. (a) The President, acting through the Federal Coordinating Council for Science, Engineering, and Technology, shall develop, issue, and submit to Congress,

at least once every two years, in accordance with this title a multiyear strategic road map for advanced manufacturing technology (hereafter in this title referred to as the 'advanced manufacturing technology strategic road map' or 'strategic road map').

"(b) Each strategic road map shall cover at least the four fiscal years following the fiscal year in which the strategic road map is submitted to Congress.

"(c) In developing the strategic road map, the Council shall consult with appropriate representatives of United States industry interested in advanced manufacturing technology and with the Advanced Manufacturing Technology Advisory Committee established pursuant to section 703.

"CONTENT OF STRATEGIC ROAD MAP

"SEC. 702. (a) The strategic road map shall—

"(1) provide an assessment of the current strengths and weaknesses in the national capability of the United States to develop and apply advanced manufacturing technology, including an assessment of the current activities of United States industry, institutions of higher education in the United States, the Federal Government, and State and local governments which enhance or hinder the development and application of advanced manufacturing technology;

"(2) in light of such assessment, provide guidance for the conduct and coordination of the activities of the Federal Government that are directed toward enhancing the development and application of advanced manufacturing technology;

"(3) specify the goals and priorities of such activities;

"(4) provide guidance for interagency coordination of the implementation of the strategic road map within the Federal Government, including the appropriate roles of each department and agency of the Federal Government and of United States industry in implementing the Plan;

"(5) provide guidance for facilitating increased access to foreign sources of advanced manufacturing technology through international cooperation in activities of the Federal Government and United States industry relating to such technology; and

"(6) provide guidance for joint actions for departments and agencies of the Federal Government to take regarding the advanced manufacturing technology activities of such departments and agencies, including joint actions—

"(A) to ensure that the results of the advanced manufacturing technology research and development activities funded or conducted by departments and agencies of the Federal Government are appropriately disseminated to United States industry;

"(B) to encourage and enhance the use of such results by United States industry to improve the quality, productivity, and performance of the manufacturing activities of United States industry, with due regard to environmental considerations; and

"(C) to provide for education and training of personnel engaged in advanced manufacturing technology development.

"(b) Each strategic road map (other than the first strategic road map) shall include a discussion of the achievements of the advanced manufacturing technology activities conducted pursuant to the preceding strategic road map. Such discussion shall include—

"(1) an analysis of the progress made toward achieving the goals and objectives of the strategic road map;

"(2) a summary of the budgets of the departments and agencies of the Federal Government for advanced manufacturing technology activities for the first two fiscal years covered by such preceding strategic road map; and

"(3) any additional actions or recommendations for legislation necessary to carry out the provisions of this title and the provisions of the strategic road map.

"ADVANCED MANUFACTURING TECHNOLOGY ADVISORY COMMITTEE

"SEC. 703. (a) Director of the Office of Science and Technology Policy shall establish an Advanced Manufacturing Technology Advisory Committee to ensure that expert advice on advanced manufacturing technology is available to the Federal Coordinating Council for Science, Engineering, and Technology for the purposes of carrying out the responsibilities of the Council under this title.

"(b) The Committee shall consist of members appointed by the Director from among representatives of United States industry, members of industry associations, representatives of labor organizations in the United States, members of professional and technical societies in the United States, and other persons who are qualified to provide the Council with advice and assistance in the development of an Advanced Manufacturing Technology Strategic Road Map.

"(c) The Director of the Office of Science and Technology Policy shall designate a member of the Committee to serve as Chairman.

"(d) The Committee shall provide the Council with its independent assessment of—

"(1) the goals and priorities for the development and applications of advanced manufacturing technology, including an assessment of the extent to which the achievement of such goals and priorities will ensure United States leadership in the development and application of advanced manufacturing technology;

"(2) the specific programs and activities that the Federal Government must conduct as complements to the activities of United States industry in order to accomplish such goals and priorities;

"(3) the progress made in implementing the strategic road map;

"(4) any need to revise the strategic road map;

"(5) the balance between the components of the strategic road map; and

"(6) any other issues identified by the Director of the Office of Science and Technology Policy.

"(e) The Committee shall assist in the development of, and shall review, the first strategic road map before it is submitted to Congress. With regard to that strategic road map, the Committee shall provide the Council with its independent assessment of the matters described in clauses (1), (2), (4), (5), and (6) of subsection (d).

"RESPONSIBILITIES OF THE COUNCIL

"SEC. 704. The Federal Coordinating Council for Science, Engineering, and Technology shall—

"(1) serve as the lead entity of the Federal Government responsible for the development of the strategic road map and the interagency coordination of the Federal advanced manufacturing technology activities conducted pursuant to the strategic road map;

"(2) on a biennial basis, report to the President any recommended changes in departmental or agency responsibilities that are necessary for better implementation of the strategic road map;

"(3) each year before the submission of the budget to Congress pursuant to section 1105 of title 31, United States Code, review the budget concerning the consistency of the budget with the strategic road map and make the results of that review available to the appropriate officials within the Executive Office of the President; and

"(4) in carrying out its responsibilities under this title—

"(A) obtain analyses and assessments from the Critical Technologies Institute established by section 822 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686), as appropriate; and

"(B) consider any reports of and studies conducted by (i) departments and agencies within the executive branch, (ii) Congress, (iii) the National Research Council, (iv) industry associations, or (v) other persons and organizations.

"DEFINITIONS

"SEC. 705. In this title:

"(1) The term 'advanced manufacturing technology' means processes, equipment, techniques, practices, capabilities (including organizational and management practices and capabilities), and skills (including worker skills) that are applied in ways intended—

"(A) to improve the efficiency by which a product similar in character to existing products is designed, developed, tested, and manufactured;

"(B) to reduce the cost of designing or producing a product;

"(C) to improve the quality of a product, including the reliability, functionality, and maintainability of the product; or

"(D) to expand the technical capability to design, develop, test, and manufacture a product that is fundamentally different in character from existing products.

"(2) The terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).".

SEC. 102. SUBMISSION OF FIRST ADVANCED MANUFACTURING TECHNOLOGY STRATEGIC ROAD MAP.

The President shall submit the first National Advanced Manufacturing Technology Strategic Road Map to Congress under section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (as added by section 101) within one year after the date of the enactment of this Act.

TITLE II—ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT

PART A—DEPARTMENT OF DEFENSE

SEC. 201. DEFENSE MANUFACTURING TECHNOLOGY AND INDUSTRIAL PREPAREDNESS.

In order to enhance research and development in advanced manufacturing technology, the Secretary of Defense, in consultation with the Director of the Office of Science and Technology Policy, shall continue—

(1) to refine and implement the National Defense Manufacturing Technology Plan required by section 2513 of title 10, United States Code; and

(2) to encourage the advanced manufacturing technology research and development efforts of United States industry, Federal laboratories, and institutions of higher education in the United States.

SEC. 202. DEPARTMENT OF DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—Not later than one year after the date of the enactment of this Act, the Secretary of De-

fense shall establish one or more Advanced Manufacturing Technology Partnerships to carry out the purpose specified in section 4(3).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and may include one or more Federal laboratories, institutions of higher education in the United States, State entities, and any other participants that the Secretary of Defense considers appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Department of Defense for the purposes of carrying out the provisions of this part, $250,000,000 for each of fiscal years 1992 and 1993.

PART B—DEPARTMENT OF COMMERCE

SEC. 221. ADVANCED MANUFACTURING TECHNOLOGY PROGRAM COMPONENT.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e) There is established within the Program an Advanced Manufacturing Technology Component of the Program. Under the Advanced Manufacturing Technology Component of the Program, the Secretary, in consultation with the Director of the Office of Science and Technology Policy, shall ensure that financial support is provided for the activities of eligible firms and joint research and development ventures to identify and solve generic problems associated with research and development in advanced manufacturing technology and with the establishment of technical standards in advanced manufacturing technology. The Secretary shall place special emphasis on problems that inhibit the rapid development of commercially useful products, processes, and services associated with applications of advanced manufacturing technology.

"(f) As used in this section:

"(1) The term 'joint research and development venture' has the meaning given such term in subsections (a)(6) and (b) of section 2 of the National Cooperative Research Act of 1984 (15 U.S.C. 4302).

"(2) The term 'eligible firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business entity of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.".

SEC. 222. DEPARTMENT OF COMMERCE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—Not later than one year after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of the Office of Science and Technology Policy, shall establish one or more Advanced Manufacturing Technology Partnerships to carry out the purpose specified in section 4(3).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and may include one or more Federal laboratories, institutions of higher education in the United States, State entities, and any other participants that the Secretary of Commerce considers appropriate.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated to the Department of Commerce for carrying out section 222 as follows:

(1) For fiscal year 1992, $50,000,000.

(2) For fiscal year 1993, $100,000,000.

PART C—OTHER DEPARTMENTS AND AGENCIES

SEC. 231. DEPARTMENT OF ENERGY ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—Not later than one year after the date of enactment of this Act, the Secretary of Energy shall establish three or more Advanced Manufacturing Technology Partnerships to carry out the purpose specified in section 4(3).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and one or more laboratories of the Department of Energy, and may include other Federal laboratories, institutions of higher education in the United States, State entities, and any other participants that the Secretary of Energy considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Energy for atomic energy defense activities for the purpose of carrying out this section, $50,000,000 for each of fiscal years 1992 and 1993.

SEC. 232. NASA ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—Not later than one year after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration shall establish one or more Advanced Manufacturing Technology Partnerships to carry out the purpose specified in section 4(3).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms and one or more laboratories of the National Aeronautics and Space Administration, and may include other Federal laboratories, institutions of higher education in the United States, State entities, and any other participants that the Administrator considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the National Aeronautics and Space Administration for carrying out this section, $10,000,000 for each of fiscal years 1992 and 1993.

SEC. 233. NATIONAL SCIENCE FOUNDATION ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT OF PARTNERSHIPS.—Not later than one year after the date of the enactment of this Act, the Director of the National Science Foundation shall establish one or more Advanced Manufacturing Technology Partnerships to carry out the purpose specified in section 4(3).

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be composed of participants from two or more eligible firms, and may include one or more Federal laboratories, institutions of higher education in the United States, State entities, and any other participants that the Administrator considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the National Science Foundation for carrying out this section, $10,000,000 for each of fiscal years 1992 and 1993.

PART D—ADMINISTRATIVE AND OTHER PROVISIONS FOR PARTNERSHIPS

SEC. 241. LEAD INSTITUTION.

The participants in each Advanced Manufacturing Technology Partnership proposed to be established under this title shall designate a lead institution for the Partnership. The lead institution shall direct the activities of the Partnership.

SEC. 242. PARTNERSHIP PROPOSALS.

(a) SUBMISSION OF PROPOSALS.—Each proposal for the establishment of an Advanced Manufacturing Technology Partnership by the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Administrator of the National Aeronautics and Space Administration, or the Director of the National Science Foundation, as the case may be, shall be submitted to such official by the lead institution acting on behalf of the proposed participants in the Partnership.

(b) CONTENT OF PROPOSALS.—Each proposal for the establishment of an Advanced Manufacturing Technology Partnership pursuant to this title shall include the following:

(1) Goals and objectives of the Partnership.

(2) A research and development plan to achieve such goals and objectives.

(3) Evidence of expertise among the Partnership participants in developing and utilizing advanced manufacturing technologies.

(4) Evidence of the commitment of eligible firms to participate in the Partnership, including a description of how personnel, equipment, facilities, and expertise of such firms will be used in the planning, conducting, and monitoring of the technology transfer activities of the Partnership and other Partnership activities.

(5) Evidence that the technologies proposed for development by the Partnership will help to minimize any potential health, safety, and environmental hazards of advanced manufacturing activities.

(6) The demonstration of financial commitment required by subsection (c).

(c) COST-SHARING REQUIREMENTS.—Each Partnership proposal shall demonstrate a financial commitment of the non-Federal Government participants to contribute at least 50 percent of the total cost of the Partnership activities. Within the total contribution to be made pursuant to such commitment the non-Federal Government participants may contribute a lesser percentage of the cost incurred during a particular period of Partnership activity or a lesser percentage of the cost of a particular Partnership activity. In the determination of the contribution made by a non-Federal Government participant, there shall be included the fair market value of the participant's contributions of equipment, services, materials, technology transfer activities, and other assets directly related to the costs of the Partnership activities, as determined by the official that established the Partnership.

SEC. 243. SELECTION OF PARTNERSHIPS.

(a) COMPETITIVE SELECTION.—Advanced Manufacturing Technology Partnerships shall be selected through a competitive process prescribed by the Secretary of Defense (for Partnerships established by such Secretary), the Secretary of Commerce (for Partnerships established by such Secretary), the Secretary of Energy (for Partnerships established by such Secretary), the Administrator of the National Aeronautics and Space Administration (for Partnerships established by the Administrator), and the Director of

the National Science Foundation (for Partnerships established by the Director), in consultation with the Director of the Office of Science and Technology Policy.

(b) REQUIRED CRITERIA.—Each Secretary, the Administrator, and the Director, respectively, shall select for the establishment of a Partnership the Partnership proposal or proposals that—

(1) provides for the conduct of activities that involve such a significant level of risk of failure that timely private sector investment in such activities is unlikely other than through a Partnership;

(2) demonstrate the most promise of achieving the Partnership goals and objectives;

(3) offer the greatest potential for improving economic prosperity in the United States or the national security of the United States through research and development in advanced manufacturing technology, as evidenced by such activities as the formulation of business plans for the subsequent commercial development of the technology;

(4) propose the most effective program or programs for the transfer of technology to firms participating in the Partnership from other Partnership participants;

(5) provides for a breadth of participation of eligible firms in the Partnership that is sufficient to ensure that there will be competition in the application of the results of Partnership activities to the production of marketable products and the development of marketable processes;

(6) best provide for minimizing the hazards referred to in section 242(b)(5); and

(7) demonstrate the greatest commitment of eligible firms to Partnership participation.

SEC. 244. PROTECTION OF INFORMATION.

(a) AUTHORITY TO DISCLOSE INFORMATION.—Subject to subsection (b), a participant in an Advanced Manufacturing Technology Partnership may disclose information on the research and development activities of the Partnership to the same extent that a Federal laboratory may disclose information under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and all other similar provisions of law.

(b) LIMITATIONS ON DISCLOSURE.—No officer or employee of the Federal Government may disclose any trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, and is obtained from a non-Federal Government participant in a Partnership as a result of the activities of the Partnership, regardless of whether such activities are subject to the Stevenson-Wydler Technology Innovation Act of 1980. The prohibition in the preceding sentence does not apply to a disclosure made with the consent of such participant.

SEC. 245. TECHNICAL AND OTHER ASSISTANCE.

The Secretary of Defense (in the case of a Partnership established by such Secretary), the Secretary of Commerce (in the case of a Partnership established by such Secretary), the Secretary of Energy (in the case of a Partnership established by such Secretary), and the Administrator of the National Aeronautics and Space Administration (in the case of a Partnership established by the Administrator) shall provide the Partnership with technical and other assistance that the Secretary or Administrator (as the case may be) considers necessary and appropriate to facilitate the achievement of the goals and objectives of the Partnership.

SEC. 246. CONSULTATION ON PARTNERSHIP ACTIVITIES.

The Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Administrator of the National Aeronautics and Space Administration, and the Director of the National Science Foundation shall each consult with the Federal Coordinating Council for Science, Engineering, and Technology regarding the selection of Partnerships for establishment by such official.

PART E—ADDITIONAL DEFINITIONS

SEC. 251. DEFINITIONS.

In this title, the term "eligible firm" means a company or other business entity that, as determined by the Secretary of Commerce—

(1) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

(2) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business entity of a parent company that is incorporated in a country the government of which—

(A) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

(B) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

TITLE III—MANUFACTURING EXTENSION PROGRAMS

SEC. 301. DEFENSE MANUFACTURING EXTENSION PROGRAMS.

(a) REVISION OF AUTHORITY.—Section 2517 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary of Defense,";

(2) in the first sentence—

(A) by striking out "the defense subtier industry" and inserting in lieu thereof "defense foundation firms"; and

(B) by striking out "and other existing organizations" and all that follows through "manufactured parts";

(3) in the second sentence, by striking out "of the Act of March 3, 1901 (15 U.S.C. 278k)" and inserting in lieu thereof "or 31 of the National Institute of Standards and Technology Act (15 U.S.C. 278k or 278p)"; and

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

"(b) In this section, the term 'defense foundation firm' means a foundation firm (as defined in section 31(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278p(k)) that is in one of the industries identified by the Under Secretary of Defense for Acquisition pursuant to section 2503(6) of this title.".

(b) CONFORMING DEFINITIONAL AMENDMENTS.—Section 2511 of title 10, United States Code, is amended to read as follows:

"§ 2511. Definitions

"In this chapter:

"(1) The term 'manufacturing technology' means processes, equipment, techniques, practices, capabilities (including organizational and management practices and capabilities), and skills (including worker skills) that are applied in ways intended—

"(A) to improve the efficiency by which a product similar in character to existing products is designed, developed, tested, and manufactured;

"(B) to reduce the cost of designing or producing a product;

"(C) to improve the quality of a product, including the reliability, functionality, and maintainability of the product; or

"(D) to expand the technical capability to design, develop, test, and manufacture a product that is fundamentally different in character from existing products.

"(2) The term 'manufacturing extension programs' means public and private, nonprofit programs for the improvement of the quality, productivity, and performance of small and medium-sized manufacturing firms in the United States.".

SEC. 302. NATIONAL MANUFACTURING EXTENSION PROGRAM.

(a) PROGRAM REQUIRED.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating section 31 as section 32; and

(2) by inserting after section 30 the following new section 31:

"NATIONAL MANUFACTURING EXTENSION PROGRAM

"SEC. 31. (a) The Secretary of Commerce, in close consultation and cooperation with the Secretary of Defense, shall conduct a program to be known as the 'National Manufacturing Extension Program'.

"(b) The purposes of the Program are as follows:

"(1) To encourage efforts to improve the manufacturing quality, productivity, and performance of foundation firms by providing financial and technical assistance for—

"(A) the conduct of advanced manufacturing technology programs of States, local governments, and private, nonprofit organizations that facilitate the achievement of such improvements; and

"(B) the establishment of such programs in States in which no such program is conducted.

"(2) To promote the development of a broad range of such programs, including programs that provide for in-factory assistance, teaching factories, computer-integrated manufacturing centers, advanced manufacturing technology testbeds, flexible manufacturing networks, group services, service centers, industry association technology activities, and other productivity and quality improvement activities.

"(3) To increase the involvement of appropriate segments of the private sector, especially key customers of foundation firms, vendors of advanced manufacturing equipment, and industry and professional organizations, in activities that improve the manufacturing quality, productivity, and performance of foundation firms.

"(c)(1) The Secretary of Commerce shall prescribe, in close consultation and cooperation with the Secretary of Defense, policies and procedures to implement the National Manufacturing Extension Program.

"(2) The Secretary may—

"(A) provide financial assistance through grants made or contracts, cooperative agreements, or other financial arrangements entered into in order to carry out the purposes of the Program; and

"(B) provide for the furnishing of technical assistance regarding advanced manufacturing technology to programs receiving financial assistance under the Program.

"(3) The technical assistance that the Secretary may provide for under this section includes such assistance as the following:

"(A) The dissemination of information between programs receiving financial assistance under the Program, between such programs and Regional Centers for the Transfer of Manufacturing Technology, and between

such programs and other appropriate programs.

"(B) Training personnel involved in the conduct of such programs.

"(C) The development and dissemination of generally applicable tools and techniques for diagnosing the problems of foundation firms.

"(D) The dissemination of advanced manufacturing technology by Federal laboratories to foundation firms in accordance with the needs of such firms, as ascertained by the Federal laboratories pursuant to procedures which the Secretary shall prescribe.

"(E) Evaluation of the performance of programs.

"(4) Subject to the authority, direction, and control of the Secretary and the Under Secretary of Commerce for Technology, the Director of the National Institute of Standards and Technology shall perform the responsibilities and exercise the authority provided in this subsection.

"(d) Any State government, any local government, any private, nonprofit institution, any group of State governments, local governments, or private, nonprofit institutions, and any consortium of private, nonprofit institutions may submit to the Secretary an application for financial assistance under the Program in accordance with the procedures prescribed by the Secretary. The Secretary shall encourage multi-State applications where cooperation among States in the direction and delivery of program services serves the purposes of the Program.

"(e) Each application for financial assistance for an advanced manufacturing technology program under the National Manufacturing Extension Program shall include the following:

"(1) A statement of goals and objectives that are consistent with the purposes of the Program.

"(2) A program strategy for achieving such goals and objectives, including a discussion of how personnel, equipment, and facilities belonging to or utilized by the program will be used to carry out program activities.

"(3) A description of the nature and extent of the involvement by and support from private industry (especially key customers of the foundation firms to be served by the Program, vendors of advanced manufacturing equipment, and appropriate industry and professional organizations) in the planning, directing, and delivery of program services.

"(4) The demonstration of financial commitment required by subsection (f).

"(f) Each application for financial assistance for a program shall demonstrate a commitment to derive at least 50 percent of the resources necessary to defray the total cost of the program from non-Federal Government sources. In the determination of the contribution made by a non-Federal Government source, there shall be included the fair market value of the source's contributions of equipment, services, materials, and other assets directly related to the costs associated with the objectives of the Program.

"(g) Applications for financial assistance shall be evaluated on the basis of merit pursuant to procedures prescribed by the Secretary of Commerce, in close consultation with the Secretary of Defense and the Interagency Council on Manufacturing Extension.

"(h) In awarding financial assistance under the Program, the Secretary shall select advanced manufacturing technology programs that demonstrate in the applications the following:

"(1) Evidence that the program—

"(A) will be carried out by a staff that includes personnel who have significant experience in industrial manufacturing;

"(B) is capable of providing in-factory assistance to foundation firms, as appropriate; and

"(C) proposes an approach to improving the quality, productivity, and performance of foundation firms that integrates technology, training, management, and other appropriate factors.

"(2) Significant potential to result in lasting improvement in the quality, productivity, and performance of foundation firms in each region or sector served by the program.

"(3) Significant involvement by and support from private industry (especially key customers of the foundation firms to be served by the program, vendors of advanced manufacturing equipment, and appropriate industry and professional organizations) in the planning, directing, delivery, and financing of assistance to foundation firms.

"(4) The potential for improving the quality, productivity, and performance of a significant number of foundation firms with limited expenditure of public resources through provision of group services, facilitation of manufacturing networks, significant industry involvement, or by other means.

"(5) Appropriate cooperation and coordination with Regional Centers for the Transfer of Manufacturing Technology and other programs conducted by the Federal Government, any State, any local government, or any private, nonprofit organization to modernize United States manufacturing firms.

"(6) Attention to the needs of any foundation firms that supply manufactured products to the Department of Defense or to contractors of the Department of Defense.

"(7) Evidence of vision, leadership, management direction, and skill in developing and operating the program.

"(i)(1) The amount of financial assistance furnished to a recipient for an advanced manufacturing technology program under the Program may not exceed 50 percent of the estimated cost of carrying out the program for the period for which the assistance is to be provided. Financial assistance shall be provided to a recipient program for a period of at least five years unless such financial assistance is earlier terminated for good cause determined by the Secretary. The amount to be furnished shall be determined on the basis of the availability of funds for furnishing such assistance, the limitation in paragraph (2), the policies set out in paragraph (3), and other factors that the Secretary considers appropriate.

"(2) Paragraph (1) does not prohibit a recipient program from reapplying for financial assistance under the Program upon expiration or termination of the furnishing of financial assistance. The application for additional financial assistance shall be subject to the requirements and procedures set out in this section in the same manner and to the same extent as initial applications for financial assistance under the Program.

"(3) The Secretary shall ensure that an adequate level of financial assistance is furnished under the Program for advanced manufacturing technology programs that are to be conducted in States which, due to chronic economic disadvantages, lack the resources necessary to establish and sustain such programs. In carrying out this paragraph, the Secretary shall encourage such activities as cooperation between States and may award a State a one-time grant, not to exceed $500,000, to support, in close coordination with appropriate segments of private industry, the development of an advanced manufacturing technology program referred to in subsection (b)(1).

"(j) The Secretary shall prescribe regulations to carry out the Program. The regulations shall include the following:

"(1) A description of the Program.

"(2) Procedures for submitting applications for financial assistance.

"(3) Criteria for selecting applicants for award of financial assistance.

"(4) Support levels expected to be available for recipient programs.

"(k) In this section:

"(1) The term 'foundation firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) engages in manufacturing;

"(B) has less than 500 employees;

"(C) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(D) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business entity of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

"(2) The terms 'Interagency Council on Manufacturing Extension' and 'Council' each mean the Interagency Council on Manufacturing Extension established by section 303 of the Advanced Manufacturing Technology Act of 1991.

"(3) The term 'Program' means the National Manufacturing Extension Program established pursuant to subsection (a).

"(4) The term 'Regional Center for the Transfer of Manufacturing Technology' means a Regional Center for the Transfer of Manufacturing Technology referred to in section 25(a).".

(b) REGULATIONS.—The Secretary of Commerce shall publish the proposed regulations required by section 31 of the National Institute of Standards and Technology Act (as added by subsection (a)) in the Federal Register not later than 120 days after the date of the enactment of this Act. The period for public comment on such regulations shall be 30 days. The Secretary shall issue the final regulations within 60 days after the end of the period for public comment.

SEC. 303. INTERAGENCY COUNCIL ON MANUFACTURING EXTENSION.

(a) ESTABLISHMENT OF INTERAGENCY COUNCIL.—There is an Interagency Council on Manufacturing Extension.

(b) MEMBERSHIP.—The Council is composed of ten members as follows:

(1) Three members designated by the Secretary of Commerce from among officers and employees of the Department of Commerce.

(2) Three members designated by the Secretary of Defense from among personnel in the Department of Defense.

(3) One member designated by the Secretary of Energy from among officers and employees of the Department of Energy.

(4) One member designated by the Secretary of Labor from among officers and employees of the Department of Labor.

(5) One member designated by the Administrator of the National Aeronautics and Space Administration from among officers and employees of the National Aeronautics and Space Administration.

(6) One member designated by the Director of the National Science Foundation from among officers and employees of the National Science Foundation.

(c) CHAIRMAN.—The Secretary of Commerce shall designate a member of the Council to serve as Chairman.

(d) ACTIVITIES AND RESPONSIBILITIES.—The Council shall—

(1) advise the Secretary of Commerce regarding the establishment and conduct of the National Manufacturing Extension Program required by section 31 of the National Institute of Standards and Technology Act, as added by section 302;

(2) provide for the coordinated implementation of the National Manufacturing Extension Program by the Department of Commerce and the Department of Defense;

(3) serve as a means for coordinating the National Manufacturing Extension Program with related programs conducted by the Department of Energy, the Department of Labor, the National Aeronautics and Space Administration, the National Science Foundation, and other departments and agencies of the Federal Government;

(4) consult with representatives from States, localities, private, nonprofit entities, United States industry, and other appropriate groups on the policies and procedures prescribed to implement the National Manufacturing Extension Program; and

(5) develop a long-range strategic plan for the National Manufacturing Extension Program and, in developing such plan, devote particular attention to linkages between the Program and other programs and activities of the Federal Government.

(e) STRATEGIC PLAN NOT TO DELAY IMPLEMENTATION OF NATIONAL MANUFACTURING EXTENSION PROGRAM.—Implementation of the National Manufacturing Extension Program shall not be delayed in order for the Council to complete the development of the strategic plan referred to in subsection (d)(5).

SEC. 304. AUTHORIZATIONS OF APPROPRIATIONS.

(a) DEPARTMENT OF COMMERCE.—Funds are hereby authorized to be appropriated for the Department of Commerce to carry out the responsibilities of the Secretary of Commerce and under section 31 of the National Institute of Standards and Technology Act (as added by section 302(a)) and under section 303 as follows:

(1) For fiscal year 1992, $30,000,000.
(2) For fiscal year 1993, $50,000,000.
(3) For fiscal year 1994, $60,000,000.
(4) For fiscal year 1995, $75,000,000.

(b) DEPARTMENT OF DEFENSE.—Funds are hereby authorized to be appropriated for the Department of Defense to carry out the responsibilities of the Secretary of Defense under section 31 of the National Institute of Standards and Technology Act (as added by section 302(a)) and under section 303 and for transfer to the Department of Commerce for the conduct of the National Manufacturing Extension Program established by section 31 of such Act, as follows:

(1) For fiscal year 1992, $50,000,000.
(2) For fiscal year 1993, $65,000,000.
(3) For fiscal year 1994, $80,000,000.
(4) For fiscal year 1995, $100,000,000.

TITLE IV—MANUFACTURING EDUCATION AND TRAINING

PART A—DEFENSE MANUFACTURING ENGINEERING EDUCATION

SEC. 401. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) A strong defense industrial base is essential for the maintenance of the national security of the United States.

(2) Significant improvements in the productivity of the defense industrial base of the United States can be made if the manufacturers in the defense industrial base take full advantage of the rapid advancements that are occurring in manufacturing technology.

(3) Improved education and training of United States engineers, technicians, and workers in modern manufacturing techniques is vital to the ability of manufacturers in the defense industrial base of the United States to take advantage of advances in manufacturing technology.

(4) Federal Government support for State, local, and private sector initiatives is needed to stimulate improvements in manufacturing engineering education and training.

(b) PURPOSES.—The purposes of this title are to encourage the development of undergraduate and graduate level programs of education and research in manufacturing engineering at institutions of higher education in the United States and to increase the number of persons educated in the techniques and disciplines of manufacturing engineering through—

(1) the expansion of Federal Government support for programs of manufacturing engineering education in the United States;

(2) the provision of financial support for the establishment of new programs of manufacturing engineering education across the United States;

(3) the improvement of existing programs in manufacturing engineering education in the United States;

(4) the encouragement of increased participation of women, members of minority groups, and disabled persons in manufacturing education and training; and

(5) the active involvement of the Federal Government, States, and local governments along with institutions of higher education and private industry in cooperative undertakings to establish and support such programs.

SEC. 402. MANUFACTURING ENGINEERING EDUCATION GRANT PROGRAM.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Defense, in consultation with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy, shall establish a program for the Secretary to make grants to institutions of higher education for the following purposes:

(1) To support the enhancement of existing programs in manufacturing engineering education that are conducted by grantee institutions and that meet the requirements of section 403.

(2) To support the establishment at grantee institutions of new programs in manufacturing engineering education that meet such requirements.

(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—For the purpose of subsection (a)(2), a program in manufacturing engineering education to be established at an institution of higher education may be considered new regardless of whether the program is to be conducted—

(1) within an existing department in a school of engineering of the grantee institution of higher education;

(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

(c) MINIMUM NUMBER OF GRANTS FOR NEW PROGRAMS.—Of the total number of grants awarded pursuant to this section, at least one-third shall be awarded for the purpose stated in subsection (a)(2).

(d) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.

(e) INITIAL GRANTS.—Within one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the National Science Foundation, shall award grants under the program to at least 10 institutions of higher education across the United States.

(f) COORDINATION OF GRANT PROGRAM WITH THE NATIONAL SCIENCE FOUNDATION.—The Secretary of Defense and the Director of the National Science Foundation shall enter into a written agreement for carrying out the grant program established pursuant to this section. The agreement shall include the following matters:

(1) Procedures to ensure that the grant program is fully coordinated with similar existing education programs of the National Science Foundation.

(2) Provisions for the National Science Foundation to assist in the administration and management of grants made by the Secretary under the program.

SEC. 403. COVERED PROGRAMS OF MANUFACTURING ENGINEERING EDUCATION.

(a) IN GENERAL.—A program of engineering education supported with a grant awarded pursuant to this title shall meet the requirements of this section.

(b) LEVEL OF HIGHER EDUCATION FOR WHICH PROGRAM IS OFFERED.—The program of education shall be conducted at the undergraduate level, the graduate level, or both the undergraduate and graduate levels.

(c) COMPONENTS OF PROGRAM.—The program of education shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence in the United States and foreign countries;

(B) faculty development programs;

(C) recruitment of educators highly qualified in manufacturing engineering;

(D) presentation of seminars, workshops, and training for the development of specific research or education skills; and

(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives.

(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

(3) Faculty and student research that is directly related to, and supportive of, the education of undergraduate or graduate students in advanced manufacturing science and technology because of—

(A) the increased understanding of advanced manufacturing science and tech-

nology that is derived from such research; and

(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

(d) SIGNIFICANT INVOLVEMENT OF INDUSTRY.—The program shall be conducted with a significant level of involvement of private sector manufacturing firms having major manufacturing operations in the United States and a significant level of collaboration between the firms so involved and the institution of higher education conducting the program.

SEC. 404. GRANT PROPOSALS.

(a) PROPOSAL REQUIREMENTS.—The Secretary of Defense, in coordination with the Director of the National Science Foundation, shall solicit from institutions of higher education in the United States proposals for grants to be made pursuant to this title for the support of programs of manufacturing engineering education that are consistent with the purposes of this title.

(b) CONTENT OF PROPOSALS.—Each proposal submitted by an institution of higher education shall include the following:

(1) A description of the program proposed to be supported by the grant.

(2) A discussion of the institution's experience and demonstrated capabilities that qualify the institution to conduct the proposed program.

(3) A discussion of how industrial experience, expertise, and facilities will be integrated into the proposed program.

(4) A description of the anticipated curriculum.

(5) A description of the research proposed to be conducted pursuant to the proposed program, including how the research will support the instructional content of the program.

(6) A commitment by the non-Federal Government participants in the proposed program to contribute financial or in-kind support sufficient to defray at least 50 percent of the total cost of the program during the period covered by the grant, including a description of the cost-sharing arrangements provided to carry out the cost-sharing commitment.

(7) A description of the specific benefits the proposed program will provide for the improvement of the defense industrial base of the United States and the education and training of engineers in manufacturing methods, techniques, and technology in the United States.

(8) A plan to achieve a significant level of participation by women, members of minority groups, and disabled persons through active recruitment of students from among such persons.

SEC. 405. GRANT AWARDS.

(a) MERIT COMPETITION.—Grants shall be awarded on the basis of merit competition in accordance with procedures prescribed by the Secretary of Defense in coordination with the Director of the National Science Foundation.

(b) SELECTION CRITERIA.—The Secretary may select a proposal for the award of a grant pursuant to this title if the proposal, at a minimum—

(1) promotes the achievement of the purposes of this title;

(2) contains innovative approaches for improving engineering education in manufacturing technology;

(3) demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made;

(4) provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology;

(5) demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities;

(6) is likely to attract superior students;

(7) proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology;

(8) proposes a program that, within three years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program; and

(9) proposes to achieve a significant level of participation by women, members of minority groups, and disabled persons through active recruitment of students from among such persons.

SEC. 406. DEFINITION.

In this title, the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Department of Defense for each of fiscal years 1992 and 1993, $25,000,000 to carry out the provisions of this title.

PART B—MANUFACTURING MANAGERS IN THE CLASSROOM

SEC. 421. MANUFACTURING MANAGERS IN THE CLASSROOM PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in close consultation with the Secretary of Commerce, shall conduct a program to be known as the "Manufacturing Managers in the Classroom Program."

(b) PURPOSES.—The purposes of the program are as follows:

(1) To provide Federal financial assistance to community colleges and other institutions of higher education in the United States to support the employment of experienced manufacturing managers and experts as teachers in such institutions.

(2) To strengthen the capabilities of such institutions to serve the education and training needs of firms that manufacture items for commercial and military use and are located in the same geographic regions as such institutions, including the needs for worker training, human resource management training, and labor-management training.

(3) To attract high-quality manufacturing managers and experts from leading United States manufacturing firms and Federal laboratories to teach in such institutions on a temporary or permanent basis.

(4) To improve the quality and relevance of education and training programs available to United States manufacturing firms from community colleges and other institutions of higher education located in the same geographic region as such firms.

(5) To increase the awareness that United States manufacturing firms have of the potential for such institutions to serve the needs of such firms for education and training.

(c) PROGRAM ACTIVITIES.—Financial assistance provided for an institution of higher education under the program shall be used to support the following activities of one or more manufacturing managers and experts at such institution:

(1) Identifying the education and training requirements of United States manufacturing firms located in the same geographic region as such institution.

(2) Assisting in the development of teaching curricula for classroom and in-factory education and training classes.

(3) Teaching such classes and overseeing the teaching of such classes by others.

(4) Improving the knowledge and expertise of permanent faculty and staff of the institution.

(5) Marketing the programs and facilities of the institution to United States manufacturing firms located in the same geographic region as the institution.

(6) Coordinating the activities described in the other provisions of this subsection with other programs conducted by the Federal Government, any State, any local government, or any private, nonprofit organization to modernize United States manufacturing firms, especially the Regional Centers for the Transfer of Manufacturing Technology and programs receiving Federal financial assistance under the National Manufacturing Extension Program.

(d) PROPOSALS FOR FEDERAL SUPPORT.—Each application of an institution of higher education for Federal financial assistance under this section shall include the following:

(1) A statement of goals and objectives for the use of such financial assistance that are consistent with the purposes of this section.

(2) A program strategy for achieving such goals and objectives that includes—

(A) a description of the activities proposed to be supported in part by such financial assistance;

(B) a discussion of how the expertise of a manufacturing manager will be institutionalized through activities described in subsection (c)(4) and by other means; and

(C) a discussion of the means by which the institution will help the manufacturing manager become an effective teacher.

(3) A description of the nature and extent of involvement in, and support for, the proposed activities by United States industry, industry associations, and other appropriate organizations located in the same geographic region as the institution.

(4) The demonstration of financial commitment required by subsection (e).

(e) COST-SHARING REQUIREMENTS.—Each application for financial assistance under this section shall demonstrate a commitment by the applicant to contribute resources sufficient to defray at least 50 percent of the total cost of the activities proposed to be supported in part with such financial assistance. In the determination of the contribution made by an applicant, there shall be included the fair market value of the applicant's contributions of hardware and software, services, materials and other assets directly related to the costs of the proposed activities.

(f) MERIT COMPETITION.—Applications for financial assistance under this section shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

(g) SELECTION CRITERIA.—In selecting applications for the award of financial assistance under this section, the Secretary shall select applications that demonstrate—

(1) significant promise for achieving the purposes of this section;

(2) evidence that the proposed activities are of an appropriate scale and a sufficient quality to ensure long term improvement in the applicant's capability to serve the edu-

cation and training needs of United States manufacturing firms in the same region as the applicant;

(3) a significant level of industry involvement and support;

(4) attention to the needs of any United States industries that supply manufactured products to the Department of Defense or to a contractor of the Department of Defense; and

(5) evidence of vision, leadership, direction, and skill in the management of the proposed activities.

(h) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided. In no event may the amount of the financial assistance provided to an institution exceed $250,000 per year. The period for which financial assistance is provided an institution under this section shall be at least two years unless such assistance is earlier terminated for good cause determined by the Secretary.

(i) REGULATIONS.—(1) The Secretary shall prescribe regulations to carry out this section. The regulations shall include the following:

(A) A description of the program.

(B) Procedures for submitting applications for financial assistance.

(C) Criteria for selecting applicants for award of financial assistance.

(D) Amounts expected to be available for award to applicants.

(2) The Secretary shall publish the proposed regulations in the Federal Register not later than 120 days after the date of the enactment of this Act. The period for public comment on such regulations shall be 30 days. The Secretary shall issue the final regulations within 60 days after the end of the period for public comment.

(j) DEFINITIONS.—In this section:

(1) The term "Regional Center for the Transfer of Manufacturing Technology" means a Regional Center for the Transfer of Manufacturing Technology referred to in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(2) The term "National Manufacturing Extension Program" means the National Manufacturing Extension Program conducted pursuant to section 30 of such Act (as added by section 301).

SEC. 422. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENT OF DEFENSE.—Funds are hereby authorized to be appropriated to the Department of Defense to carry out the responsibilities of the Secretary of Defense under section 421 and for transfer to the Department of Commerce for the conduct of the Manufacturing Managers in the Classroom Program conducted pursuant to such section, as follows:

(1) For fiscal year 1992, $5,000,000.

(2) For fiscal year 1993, $10,000,000.

(b) DEPARTMENT OF COMMERCE.—Funds are hereby authorized to be appropriated to the Department of Commerce to carry out the responsibilities of the Secretary of Commerce under the provisions of this part as follows:

(1) For fiscal year 1992, $5,000,000.

(2) For fiscal year 1993, $10,000,000.

TITLE V—INTERNATIONAL ACTIVITIES IN ADVANCED MANUFACTURING

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Foreign institutions (including firms, government laboratories, and universities) have a leadership position in the development and application of certain advanced manufacturing technologies.

(2) The United States can benefit significantly from the increased access to foreign sources of advanced manufacturing technology that can result from international cooperation in activities of the Federal Government and United States industry relating to advanced manufacturing technology.

(3) A strong Federal Government program to improve domestic capabilities in advanced manufacturing technology can increase the benefits to be derived from such international cooperation.

(b) PURPOSE.—The purpose of this title is to facilitate international cooperation in activities of the Federal Government and United States industry relating to advanced manufacturing technology.

SEC. 502. INTERNATIONAL COOPERATION IN RESEARCH AND DEVELOPMENT.

(a) DEPARTMENT OF DEFENSE.—(1) Of the amounts authorized to be appropriated to the Department of Defense under section 203 of this Act, there is authorized to be appropriated for each of fiscal years 1992 and 1993, $5,000,000 for activities relating to advanced manufacturing technology that are carried out by United States industry, institutions of higher education in the United States, or Federal laboratories under the authority of bilateral or multilateral technology agreements entered into by the United States and other nations.

(2) The amount of such funds allocated for each such activity may not exceed one-third of the total estimated cost of carrying out that activity for the period for which the funds are to be provided.

(b) DEPARTMENT OF ENERGY.—(1) Of the funds authorized to be appropriated to the Department of Energy under section 231(c) of this Act, there is authorized to be appropriated for each of fiscal years 1992 and 1993, $5,000,000 for activities relating the advanced manufacturing technology that are carried out by United States industry, institutions of higher education in the United States, or Federal laboratories under the authority of bilateral or multilateral technology agreements entered into by the United States and other nations.

(2) The amount of such funds allocated for each such activity may not exceed one-third of the total estimated cost of carrying out that activity for the period for which the funds are to be provided.●

By Mr. HOLLINGS (for himself, Mr. GORE, Mr. BINGAMAN, Mr. NUNN, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1329. A bill to strengthen Federal strategy for the development and deployment of critical advanced technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. GORE, Mr. BINGAMAN, Mr. NUNN, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. DIXON, Mr. LEVIN, Mr. DODD, Mr. SHELBY, Mr. DASCHLE, Mr. LIEBERMAN, and Mr. RIEGLE):

S. 1330. A bill to enhance the productivity, quality, and competitiveness of U.S. industry through the accelerated development and deployment of advanced manufacturing technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL TECHNOLOGY STRATEGY ACT AND THE MANUFACTURING STRATEGY ACT

● Mr. HOLLINGS. Mr. President, today several of our colleagues and I are introducing a comprehensive package of bills to help American industry restore this Nation's sagging leadership in manufacturing and critical emerging technologies.

I, joined by Senator GORE and others, have authored two of the bills: the Federal Technology Strategy Act of 1991, which would improve the coordination of Federal technology efforts; and the Manufacturing Strategy Act of 1991, which would expand the Department of Commerce [DOC] efforts to help industry develop prototype manufacturing technologies for the 21st century and also would expand the DOC's existing technology extension activities. I am pleased that Senators BINGAMAN and NUNN are cosponsoring these bills.

Senators BINGAMAN and NUNN have authored two other bills, the Critical Technologies Act of 1991 and the Advanced Manufacturing Technology Act of 1991. Senator GORE and I have cosponsored these important initiatives. In addition, Senator NUNN has a fifth bill regarding manufacturing education programs at the Department of Defense [DOD], which I am pleased to cosponsor.

The two sets of bills complement each other, and reflect work done over the past year by the leaders of both the Commerce Committee and the Armed Services Committee. The fact that the chairmen of the two committees, plus the chairmen of their two technology subcommittees, have joined together today to introduce this package indicates the importance we attach to manufacturing and critical technologies.

THE FUNDAMENTAL ISSUE

I consider the issue addressed by these bills to be the central issue of our time. Will this government sit by, complacent and inactive, as we continue to lose ground to other countries in one industry after another; as our manufacturing base shrinks and more good jobs go overseas; and as our national defense becomes more and more dependent on technology from countries that may not always share our foreign policy aims? Or will this government, in partnership with American industry and labor, make a true commitment to restoring U.S. economic competitiveness and long-term economic growth? At a time when other countries are working hard to take the lead in key industries and key technologies, will

our government fight to maintain the U.S. technology base?

The Members who are introducing these bills today have taken a clear stand on this fundamental issue—our government must not sit by. We know that the United States is lagging behind. A private group, the Council on Competitiveness, stated the problem well in a report that they presented to the Commerce Committee on March 20:

The U.S. position in many critical technologies is slipping and, in some cases, has been lost altogether. Future trends are not encouraging. America pioneered such technologies as numerically controlled machine tools, robotics, optoelectronics, and integrated circuits only to lose leadership in them to foreign competitors. * * * The erosion of the U.S. position in critical technologies has helped to highlight an important lesson about industrial competition in the late 20th century: a lead in science is not sufficient to sustain technological leadership. Science excellence also must be supplemented by a strong position in critical technologies and by the ability to convert these technologies into manufactured products, processes and services that can compete successfully in the marketplace. Otherwise, America's jobs, standards of living and national security will be in jeopardy. * * *

Governments in other major industrialized countries have used research and development [R&D] incentives, public-private technology consortia, infrastructure programs, tax policy, trade policy and regulations to improve the technological competitiveness of their industries. * * * Problems arising from foreign government actions have been compounded by the lack of a timely, coordinated, and effective U.S. industry and government response.

WHAT SHOULD BE DONE?

Over the past few years, Congress has worked with the administration to create the framework of a new national technology policy. In the area of civilian technology, I authored the Technology Competitiveness Act, the part of the 1988 Omnibus Trade and Competitiveness Act which upgraded the old National Bureau of Standards into a full-fledged civilian technology agency, the National Institute of Standards and Technology [NIST]. Under that law, NIST conducts laboratory research to provide industry with the support technologies needed to boost quality and productivity, supports technology extension efforts such as the five new manufacturing technology centers, and operates an Advance Technology Program to support industry-led technology development projects. On the defense side, Senator BINGAMAN, Senator NUNN, and others expanded the technology development efforts of the Defense Advanced Research Projects Agency [DARPA], supported the manufacturing technology [Mantech] programs, and created innovative projects such as Sematech.

The Commerce and Armed Services Committee both have worked to improve the coordination of the Federal Government's diverse technology programs. Senator GORE and I have authored bills to institutionalize interagency planning processes for global change research and high-performance computing. Senator BINGAMAN, with my support, has authored legislation requiring biennial national critical technology reports and creating a Critical Technologies Institute to provide staff support to the White House Office of Science and Technology Policy [OSTP].

Last year, the administration finally did endorse a government role in working with industry on precompetitive research to develop generic, enabling technologies. The administration has come to somewhat recognize that government has a responsibility to help industry develop those new basic technologies, which offer great potential benefits to the Nation but which are viewed as too long-term and too risky for any one company or even a group of companies to fund entirely on its own.

The question now is whether the new consensus on national needs and technology policy will be matched with a serious commitment of resources. Will we make technology and manufacturing major national priorities, commensurate with their importance to our standard of living and national defense?

The Council on Competitiveness, I believe, has stated what needs to be done.

The Federal Government should view support of generic industrial technologies as a priority mission. * * * The President should move quickly to * * * announce his intention to increase dramatically the percentage of Federal R&D expenditures allocated to support for critical generic technologies and present a five-year implementation plan as part of his fiscal year 1993 budget.

In the bills my colleagues and I are presenting today, we are moving to implement these recommendations. We are proposing major initiatives in both manufacturing and other critical technologies, with some proposals covering fiscal year 1992 and others focused on fiscal year 1993. We sincerely hope that the administration will join us in this important effort. All Americans are concerned about the Nation's economic and military future, and these issues are too important to be ignored. My colleagues and I intend to push for action in this area, and we invite the President's participation.

THE FEDERAL TECHNOLOGY STRATEGY ACT

I now will briefly summarize the intent and provisions of the two bills, which I am introducing with Senator GORE and others. My proposed Federal Technology Strategy Act has two main provisions and several important reporting requirements. The first major provision would direct the President, through the OSTP Director, to prepare interagency plans to coordinate Federal activities in the major technical areas identified in the recent first biennial report of the National Critical Technologies Panel. In effect, we have taken the idea of interagency plans—codified for example in other legislation that I authored, and that is now law, on global changes research—and directed that these plans focus on a specific list of critical technologies. The bill would require Federal technology development plans in areas such as manufacturing technology, advanced materials, information and communications, and biotechnology.

Second, the Federal Technology Strategy Act states that it will be a mission of each Federal R&D agency to support the development of generic technologies upon which both the agency and the private sector depend. As the Federal Government becomes more a purchaser of private sector technology, and less the source of new technologies, it is in the interest of the Government to work with industry to create new technologies, as Federal agencies, including DOD, need the innovative products that commercial companies produce. Also, clearly new technology brings many general national benefits.

Next, the bill establishes a process for reviewing the participation of federally aided research groups in R&D projects funded by foreign governments—particularly governments with which the United States has formal science and technology agreements. We want to make sure that any U.S. participation in these foreign projects is consistent with overall U.S. policy.

Finally, the bill requires several reports. One provision asks the Secretary of Commerce for a one-time report on options and recommendations for increasing private investment in both new factories and the development and commercialization of new products. The bill also requires an annual report from the Secretary of Commerce to appropriate congressional committees on executive branch positions taken in international negotiations that might affect the size, activities, and eligibility requirements of Federal R&D programs.

THE MANUFACTURING STRATEGY ACT

My second bill focuses on the important issue of manufacturing, which remains the core of our national economy. The service sector and raw materials are of course vital, but to be rich and strong a nation must be able to produce manufactured goods. A nation which loses its capacity to manufacture loses good jobs, loses the ability to produce major export earnings, and loses one major component for its national security.

Thanks to a lower U.S. dollar and improvements made by many American firms, U.S. manufacturing exports have increased. However, all of us know that much more is needed—we need to pursue efforts to improve manufacturing technology, to modernize factories, to use new production techniques, and to

reach world-class levels of quality and efficiency. Congress, and the States, have shown increasing concern about the health of U.S. manufacturing, and both also have learned a great deal in recent years about how to work with private industry to develop and to deploy advanced manufacturing technology. In my view, and I believe in the view of my colleagues who join me in introducing this legislation today, we now all have a special opportunity to work with industry to bring about an entirely new era of productive American manufacturing.

My proposed Manufacturing Strategy Act would expand existing DOC manufacturing programs in three areas. First, it would expand work to develop new manufacturing technologies for the 21st century by creating a new advanced manufacturing systems and networking project. This important technology development project would include one or more industry-led testbeds to refine, test, and demonstrate prototypes of advanced technology. I know that this can be done, because I have seen an earlier defense-oriented version of this work in my own State of South Carolina, at the rapid acquisition of manufactured parts [RAMP] project run by the Navy, NIST, several companies, and the State of South Carolina. The new technology exists; we need to refine it and get it to civilian as well as defense manufacturers.

Second, the bill would expand NIST's current technology extension efforts to help firms, especially smaller firms, to modernize their factories. NIST already operates five manufacturing technology centers [MTC's] to help companies. Along with creating more centers, I propose the creation of small satellite manufacturing centers to work with the existing MTC's as well as a new set of national centers for manufacturing and process technology to help meet the needs of specific U.S. industries. Third, the bill would create a new industry-led national quality laboratory at NIST to help Baldrige Award winners and our other best companies to pass on their lessons and best practices to a wide range of American managers and workers.

Finally, the Manufacturing Strategy Act also would require most other Federal research agencies to spend a small percentage of their R&D budgets to work with industry to develop new generic technologies, especially manufacturing and process technologies. Agencies would be encouraged to work through NIST's Advanced Technology Program.

Under our bill, most of these new DOC programs would start in fiscal year 1993. In the meantime, I will continue to work for strong fiscal year 1992 funding for NIST's important existing programs, including its laboratory research, the manufacturing technology centers, and the Advanced Technology Program.

CONCLUSION

Mr. President, I have a passionate belief that the United States should not settle for the status of a second-class economic power. I feel strongly that the Federal Government's annual $70 billion R&D investment should be made useful to industry and reoriented to meet the major world challenge now facing the United States—the contest to see which country or countries will dominate the industries and economies of the 21st century.

I want to compete, and I want the United States to win. I do not want to sit back and do nothing as the Japanese and others beat us in one industry after another. I am not angry with the Japanese. They are competing to win, while we are not even in the game. While other governments back their companies, our government sits by while we literally go out of business. These bills are an effort by the leaders of the two Senate committees most involved in technology to put at least the R&D parts of the Federal Government back into the game, back into helping our companies compete and helping them succeed.

Mr. President, I look forward to working with Senators GORE, BINGAMAN, and NUNN and others to refine and coordinate our respective bills. I also invite our other Senate colleagues, as well as the administration, to join us in passing legislation which will ensure that the Federal Government does its part to make the United States second to none in manufacturing, in critical technologies, and in prosperity and national strength.

Mr. President, I ask unanimous consent that the full text of my two bills, with accompanying summaries, be included in the RECORD at the conclusion of my remarks.

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

S. 1329

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 Technology Strategy Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares the following:

(1) It is vital for the Nation to maintain strong capabilities in generic technology, in order both to meet the mission needs of Federal agencies and to help the private sector stay competitive in world markets. Both the Nation's prosperity and national security require a strong national technology base.

(2) Through the biennial reports of the National Critical Technologies Panel, the President and other Federal officials are well informed about which technologies are most critical to the Nation.

(3) In addition to the Federal Government's responsibility to support basic research, Federal agencies have a responsibility to participate with the private sector in precompetitive research on generic, enabling technologies which have the potential to contribute to a broad range of government and commercial applications. Federal support is appropriate and necessary for those technology development projects that offer the potential of large benefits to the economy but which are sufficiently risky and long-term that profits are distant and companies by themselves cannot justify funding them.

SEC. 3. TECHNOLOGY DEVELOPMENT PLANS AND FUNDING FOR CRITICAL TECHNOLOGIES.

Title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6681 et seq.) is amended—

(1) in the title heading by striking "PANEL";

(2) by inserting immediately after the title heading the following new subtitle heading:

"Subtitle A—National Critical Technologies Panel"; and

(3) by adding at the end the following new subtitle:

"Subtitle B—Technology Development

"FEDERAL TECHNOLOGY DEVELOPMENT PLANS

"SEC. 621. (a)(1) The President, through the Director and, as appropriate, through such interagency entities as the President or Director may designate, shall—

"(A) develop, within one year after the date of enactment of this section, Federal technology development plans for each of the following major areas of technology—

"(i) advanced manufacturing;

"(ii) advanced materials;

"(iii) information and communications;

"(iv) biotechnology and life sciences; and

"(v) such other technologies as the President or the Director may deem appropriate;

"(B) work, as appropriate, with leaders of United States industry and labor to identify the Nation's needs and options in those areas of technology;

"(C) consider, as appropriate, the findings of the biennial reports of the National Critical Technologies Panel; and

"(D) provide for interagency coordination of Federal agency activities in each such area of technology.

"(2) The purpose of the Federal technology development plans shall be to strengthen the Federal Government's technology strategy so as to ensure that Federal research and development programs, to the maximum extent feasible—

"(A) meet the current and projected mission needs of the Federal Government; and

"(B) create generic technologies that will help United States companies to be competitive in world markets.

"(3) Each such Federal technology development plan shall, for its given area of technology—

"(A) establish the goals and priorities for Federal activities for the fiscal year in which the plan is submitted and for the succeeding four fiscal years;

"(B) summarize the principal technical and other barriers to the development of a domestic United States technological capacity that is equal to or exceeds that of other major industrialized countries;

"(C) summarize what the United States Government and major foreign governments, as well as private United States and foreign companies, have spent annually in recent years in the given area of technology, and summarize how much of the spending by governments has focused on solving generic technical problems rather than on meeting specialized mission requirements;

"(D) set forth, in terms consistent with subsection (b) (2) and (3), the role of each Federal agency and department in implementing the plan; and

"(E) describe the levels of Federal funding for each agency and department required to achieve the goals and priorities established under subparagraph (A).

"(b)(1) The Director shall serve as the lead Federal official responsible for coordinating the preparation of Federal technology development plans under this section.

"(2) The Department of Commerce, particularly the Technology Administration, shall serve as the lead civilian agency for promoting the development and deployment of advanced generic civilian technologies and shall, subject to guidance from the Director and the Secretary of Commerce, be lead agency for coordinating the formulation of the civilian components of the Federal technology development plans. The Director and the Secretary of Commerce are authorized to create joint industry-government councils to help prepare the Federal technology development plans.

"(3) The Department of Defense shall serve as the lead Federal agency on issues of defense manufacturing and technology and shall, subject to guidance from the Director and the Secretary of Defense, be lead agency for coordinating the formulation of the defense components of the Federal technology development plans.

"(4) Prior to the President's submission of each annual budget estimate, the Director shall review each departmental and agency budget estimate in the context of the Federal technology development plans and shall make the results of that review available to the Office of Management and Budget and other appropriate elements of the Executive Office of the President. The Director of the Office of Management and Budget shall review each such report in light of the goals, priorities, and agency and departmental responsibilities set forth in the Federal technology development plans.

"(c)(1) The Director shall, upon request, make the Federal technology development plans available to committees or Members of Congress.

"(2) The Federal technology development plans shall be updated after the release of each biennial critical technologies report written by the National Critical Technologies Panel pursuant to section 603.

"(3) The Secretary of Commerce and the Secretary of Defense are authorized and directed to provide such assistance and resources as the President, the Director, or the Director of the Office of Management and Budget may require in order to prepare the Federal technology development plans.

"(d) In a statement accompanying the President's annual budget submission, the Director shall summarize the amounts of Federal research and development funding proposed for each of the critical technologies or groups of technologies identified in the most recent biennial critical technologies report.

"FEDERAL FUNDING FOR CRITICAL TECHNOLOGIES

"SEC. 622. (a) It shall be a mission of all Federal research and development agencies to support the national technology base upon which both the Federal Government and United States industry draw. Federal agencies shall, as appropriate, support—

"(1) industry-led projects to develop new generic enabling technologies; and

"(2) efforts in collaboration with the States and industry to accelerate the commercialization and use of new advanced technologies.

"(b) As part of its actions to support industry-led technology development projects and to contribute to the national technology base, each Federal research and development agency may provide funds to support activities under the Advanced Technology Program established under section 28 of the Act of March 3, 1901 (15 U.S.C. 278n).

"INTERNATIONAL COLLABORATION IN THE DEVELOPMENT OF ADVANCED TECHNOLOGY

"SEC. 623. (a) No Federal department or agency, nor any organization in the United States which receives Federal research and development funding, shall participate in or assist any bilateral or international technology development project that is operated by or receives funds from a foreign government with which the United States Government has formal science and technology agreement unless such proposed participation is approved in advance by the Director or, by serving as the Director's designee, the Secretary of Commerce.

"(b) If a recipient of Federal research assistance violates the requirements of subsection (a), the Director may ban that recipient for two years from receiving additional Federal research assistance.

"(c) If, after meeting the requirements of subsection (a), any Federal department or agency provides funding to support a bilateral or international advanced technology research, development, or testing project, that department or agency shall, to the extent practicable, channel such funding through one or more United States-based joint research and development ventures, as defined in section 2(a)(6) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(a)(6)).".

SEC. 4. REPORT ON INCREASING PRIVATE INVESTMENT IN MANUFACTURING AND THE COMMERCIALIZATION OF TECHNOLOGY.

"(1) REQUIREMENT.—Within one year after the date of enactment of this Act, the Secretary of Commerce, acting through the Under Secretary of Commerce for Technology and such other officials as appropriate, shall submit to Congress a report on actions that can be taken by private industry, the States, and the Federal Government to increase private investment in—

(1) the development and production of new commercial technologies; and

(2) the use and application of advanced manufacturing and process technologies.

(b) CONTENTS.—The report shall include, but not necessarily be limited to, an analysis of the following issues:

(1) the role that strategic partnerships between larger United States companies and innovative smaller firms can play in increasing investment in the commercialization of new technologies developed by those smaller firms;

(2) what incentives, technology information programs, and possible reforms in accounting standards would encourage large institutional investors in the United States to encourage firms in which they hold shares to make long-term strategic investments in research and development, product commercialization, and advanced production equipment and facilities;

(3) what factors generally affect the cost, availability, and the long-term or short-term orientation of capital available to United States companies;

(4) the feasibility and advisability of establishing, within the Department of Commerce, a clearinghouse which provides—

(A) information to interested manufacturers, to Regional Centers for the Transfer of Manufacturing Technology, and to the States on the types of financing available to acquire advanced manufacturing equipment, including loans for purchases and leasing arrangements;

(B) information to banks, leasing companies, and other financing sources on the types of advanced manufacturing technology currently available in the marketplace and the range of services, including Regional Centers for the Transfer of Manufacturing Technology, available to help small and medium-sized manufacturers understand and utilize these technologies; and

(C) a forum for discussions among manufacturers, equipment vendors, financiers, and accounting experts on how to make advanced manufacturing equipment more financially available to small and medium-sized manufacturers; and

(5) how Federal research and development programs, particularly programs aimed at aiding the development of new generic technologies, might be improved so as to increase the probability that generic technologies developed through such programs will actually be commercialized by United States companies and the resulting products manufactured within the United States.

SEC. 5. ANNUAL REPORT ON NEGOTIATIONS POTENTIALLY AFFECTING FEDERAL RESEARCH AND DEVELOPMENT PROGRAMS.

The Secretary of Commerce, after consultation with the Director of the Office of Science and Technology Policy, shall report annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on any current or planned Executive Branch positions in international negotiations, including negotiations regarding subsidies or government procurement, which would affect the activities, funding levels, or eligibility requirements of Federal domestic research and development programs.

FEDERAL TECHNOLOGY STRATEGY ACT OF 1991—BILL SUMMARY

Technology Management and Planning—In order to improve the coordination of Federal technology development programs, and to help ensure that the Nation has the generic technologies necessary to assist both agency missions and U.S. economic competitiveness, the bill directs the President, through the Director of the Office of Science and Technology Policy, to prepare five-year Federal technology development plans for key areas of technology, including manufacturing, advanced materials, information and communications, and biotechnology. (These interagency plans are similar to ones required under P.L. 101-606, the Global Change Research Act of 1990, and S. 272, the High-Performance Computing Act of 1991.)

Technology Development—States that it shall be a mission of all Federal research and development agencies to support the national technology base and, as appropriate, to support industry-led projects to develop new generic technologies. As part of these efforts, authorizes Federal agencies to provide funds to support industry-led projects under the Commerce Department's Advanced Technology Program. Authorizes expanded collaboration with U.S. industry and the States. Establishes a process for reviewing any proposed use of Federal funds in bilateral or international technology development projects supported by foreign governments

with which the U.S. has a formal science and technology agreement.

Reports—Requires the Secretary of Commerce to submit to Congress a report on increasing private investment in manufacturing and in the commercialization of new technologies. Requires annual reports from the Secretary of Commerce on any position that the Executive Branch is taking in international negotiations that would affect the operation of Federal domestic research and development programs.

S. 1330

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 "Manufacturing Strategy Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares the following:

(1) The development and deployment of advanced manufacturing technologies and other process technologies is vital to the Nation's economic growth, standard of living, competitiveness in world markets, and national security.

(2) New developments in flexible computer-intergrated manufacturing, electronic manufacturing networks, and other new technologies make possible dramatic improvements across all industrial sectors in productivity, quality, and the speed with which manufacturers can respond to customers and changing market opportunities.

(3) The United States currently leads the world in research on advanced manufacturing technologies, but often lags behind other nations in the full development, deployment, and use of these new technologies.

(4) Among the steps necessary for the United States to reap the full benefits of advanced manufacturing technology are further research and development activities, testbed projects to test and validate new technology, programs to accelerate the deployment of both new advanced technologies and valuable off-the-shelf equipment, full development of digital product data technology, enhanced transfer of federally-funded technology to industry, and increased cooperation among the Federal Government, industry, and the States.

(5) The Department of Commerce, in cooperation with the Department of Defense and other Federal agencies, has played and can continue to play an important role in assisting United States industry to develop, test, and deploy advanced manufacturing technologies.

(c) PURPOSE.—It is the purpose of Congress in this Act to enhance the ability of the Department of Commerce's technology programs to assist the efforts of private industry in manufacturing and, in the process, to help ensure the continued leadership of the United States in advanced manufacturing technologies.

SEC. 3. AMENDMENT TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

"TITLE III—MANUFACTURING TECHNOLOGY

"SEC. 301. STATEMENT OF POLICY AND PURPOSE.

"(a) STATEMENT OF POLICY.—Congress declares that it is the policy of the United States that—

"(1) Federal agencies, particularly the Department of Commerce, shall work with industry to ensure that within 10 years of the date of enactment of this title the United States is second to no other nation in the development, deployment, and use of advanced manufacturing technology.

"(2) because of the importance of manufacturing and advanced manufacturing technology to the Nation's economic prosperity and defense, all the major Federal research and development agencies shall place a high priority on the development and deployment of advanced manufacturing technologies, shall increase the percentage of their research and development budgets devoted to manufacturing technology, and shall work closely with United States industry to develop and test those technologies;

"(3) the Department of Commerce, particularly the Technology Administration, shall serve as the lead civilian agency for promoting the development and deployment of advanced manufacturing technology, and other Federal departments and agencies which work with civilian industry shall be encouraged, as appropriate, to work through the programs of the Department of Commerce; and

"(4) the Department of Defense shall serve as the lead Federal agency for working on defense manufacturing matters.

"(b) PURPOSE.—It is the purpose of Congress in this title to help ensure, through the programs and activities of the Department of Commerce and other Federal agencies, continued United States leadership in the development and deployment of advanced manufacturing technologies and their applications.

"SEC. 302. ROLE OF THE DEPARTMENT OF COMMERCE.

"(a) MISSION IN MANUFACTURING.—The Department of Commerce shall be the lead civilian agency of the Federal Government for working with United States industry to—

"(1) develop new generic advanced manufacturing technologies; and

"(2) encourage and assist the deployment and use of advanced manufacturing equipment and techniques throughout the United States.

"(b) DUTIES.—The Secretary shall, through the Under Secretary and the Director and, as appropriate, in coordination with the heads of other Federal agencies and with industry, design and manage programs that—

"(1) accelerate the development of advanced manufacturing technologies in such areas as computer-integrated manufacturing, advanced robotics, concurrent engineering, enterprise integration, communications networks for manufacturing, other advanced process technologies, computer software, and quality assurance techniques;

"(2) support projects, centers, and other mechanisms to help United States industry develop, test, and deploy advanced manufacturing and process technologies;

"(3) assist United States industry to—

"(A) develop and disseminate generic manufacturing process models and related techniques, including expert systems and benefit/cost analyses, that significantly increase quality, productivity, and flexibility;

"(B) expand and speed the use of the best current manufacturing practices, such as total quality management, concurrent engineering, and just-in-time delivery; and

"(C) develop techniques which help companies define their manufacturing technology needs and select production equipment;

"(4) increase coordination with industry for identifying the need for both interface and systems standards in manufacturing and, as appropriate, support testbeds so that industry can determine at early stages whether new technologies and prototypes are compatible with new standards; and

"(5) accelerate, in partnership with the States and industry, the broad deployment and adoption of advanced manufacturing technologies by medium and small, as well as large, manufacturers throughout the United States.

"(c) RELATION TO NATIONAL PLANS.—The Secretary, Under Secretary, and Director shall, as appropriate, ensure that Department of Commerce advanced manufacturing technology activities are conducted in a manner consistent with any national advanced manufacturing technology development plans that may be developed by the President or the Director of the Office of Science and Technology Policy.

"(d) COORDINATION WITH OTHER AGENCIES.—(1) the Secretary and the Secretary of Defense shall coordinate their policies and programs to promote the development and deployment of advanced manufacturing technologies. The two Secretaries shall, as appropriate, form joint working groups or special project offices to coordinate their manufacturing activities.

"(2) In order to avoid unnecessary duplication of efforts, the Secretary of Defense, as well as the heads of other departments and agencies, shall, whenever appropriate, conduct their technology extension activities through the technology extension programs created under sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and l), and their technology development activities through the Advanced Technology Program established under section 28 of the Act of March 3, 1901 (15 U.S.C. 278n).

"SEC. 303. ADVANCED MANUFACTURING SYSTEMS AND NETWORKING PROJECT.

"(a) ESTABLISHMENT OF PROJECT.—(1) In addition to such technology development responsibilities as may be set forth in other Acts, the Secretary, through the Under Secretary and the Director, shall establish an Advanced Manufacturing Systems and Networking Project (hereafter in this title referred to as the 'Project').

"(2) The purpose of the Project is to create a collaborative multi-year technology development program involving the Institute, United States industry, and, as appropriate, the States in order to develop, refine, test, and transfer advanced computer-integrated, electronically-networked manufacturing technologies and associated applications.

"(b) PROJECT COMPONENTS.—The Project shall include—

"(1) an advanced manufacturing research and networking activity at the Institute;

"(2) one for more technology development testbeds within the United States, whose purpose shall be to develop, refine, test, and transfer advanced manufacturing and networking technologies created at the Institute and elsewhere and to assist industry in the implementation of these technologies and the development of associated applications; and

"(3) one or more information dissemination contracts with nonprofit organizations with experience in assisting small and medium-sized manufacturers, for the purpose of providing information and technical assistance regarding advanced manufacturing and networking technologies to these small and medium-sized manufacturers.

"(c) ACTIVITIES.—The Project shall, under the coordination of the Director, undertake the following activities:

"(1) test and, as appropriate, develop the equipment, computer software, and systems

integration necessary for the successful operation within the United States of advanced manufacturing systems and associated electronic networks;

(2) establish at the Institute and the technology development testbed or testbeds—

"(A) prototype advanced computer-integrated manufacturing systems; and

"(B) prototype electronic networks linking the manufacturing systems;

"(3) assist industry to implement voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for integrated services digital networks, electronic data interchange, and digital product data specifications;

"(4) help to make high-performance computing and networking technologies an integral part of design and production processes;

"(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks;

"(6) facilitate industry efforts to develop and test new applications for manufacturing systems and networks;

"(7) involve, to the maximum extent practicable, both those United States companies which make manufacturing and computer equipment and those companies which buy the equipment; with particular emphases on including a broad range of company personnel in the Project and on assisting small and medium-sized manufacturers;

"(8) train, as appropriate, company managers, engineers, and employees in the operation and applications of advanced manufacturing technologies and networks;

"(9) work with private industry to develop standards for the use of advanced computer-based training systems, including multimedia and interactive learning technologies; and

"(10) exchange information and personnel, as appropriate, between the technology development testbeds and the Regional Centers for the Transfer of Manufacturing Technology created under section 25 of the Act of March 3, 1901 (15 U.S.C. 278k).

"(d) AWARDS.—The Secretary shall make awards for the testbed or testbeds and for the information dissemination contracts created under subsection (b) of this section through competitive, merit-based procedures. Any joint research and development venture (as defined in section 2(a)(6) of the National Cooperative Research Act of 1984; 15 U.S.C. 4301(a)(6)), university, non-profit research organization, or Regional Center for the Transfer of Manufacturing Technology (as created under section 25 of the Act of March 3, 1901), within the United States, shall be eligible to apply to be selected as a testbed or to receive an information dissemination contract under the Project and to receive up to 6 years of funding from the Secretary, if such venture, university, organization, or Center at least matches the amount of funding sought from the Secretary. The Secretary shall give particular consideration to applicants that have existing expertise with digital data product technologies and with working with United States industry to develop and implement such specifications.

"(e) RELATIONSHIP TO HIGH-PERFORMANCE COMPUTING PROGRAM.—(1) The Project shall be considered one of the Department of Commerce's activities under the Federal high-performance computing program and shall be considered a 'Grand Challenge', as that term is defined under that program. The Project shall remain under the jurisdiction of the Secretary, although the Secretary may, as appropriate, invite the participation of other Federal departments and agencies.

"(2) The Secretary and Director, in consultation with the Director of the Office of Science and Technology Policy, shall, as appropriate, direct that the Project conduct manufacturing networking experiments in partnership with the operators of the National Research and Education Network.

"(f) ADVICE AND ASSISTANCE.—(1) Within 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary, through the Under Secretary and Director, shall hold one or more workshops to solicit advice from United States industry and from other Federal departments, particularly the Department of Defense, regarding the specific missions and activities of the reseach testbeds.

"(2) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal departments and agencies in order to carry out responsibilities under this section.

"SEC. 304. OTHER AGENCY SUPPORT FOR INDUSTRY-LED RESEARCH IN MANUFACTURING AND PROCESS TECHNOLOGY.

"(a) SUPPORT OF NATIONAL TECHNOLOGY BASE.—It shall be a mission of all Federal research and development agencies to support the national technology base upon which both the Federal Government and United States industry draw.

"(b) REQUIRED SUPPORT.—(1) In order to contribute to the national technology base, each Federal department and agency (with the exception of those agencies excluded by paragraph (6) of this subsection) shall expend, in addition to such sums as are spent pursuant to the Small Business Innovation Development Act of 1982, not less than 0.5 percent of its annual research and development budget in fiscal year 1993 and in each fiscal year thereafter to support industry-led research technology development projects whose purpose is the development of critical generic technologies, particularly manufacturing and processing technologies, which are identified in the biennial critical technologies reports prepared pursuant to section 603 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683).

"(2) Each Federal department and agency subject to the requirements of paragraph (1) of this subsection may meet those requirements by either—

"(A) channelling its funds to support industry-led technology development projects through the Advanced Technology Program established under section 28 of the Act of March 3, 1901 (15 U.S.C. 278n); or

"(B) using or establishing its own program or programs to support industry-led technology development projects.

"(3) In order to avoid unnecesary duplication and to reduce the Federal Government's overall administrative costs in carrying out the requirements set forth in paragraph (1) of this subsection, Federal departments and agencies are encouraged to meet these requirements by working through the Advanced Technology Program. Any agency working through the Advanced Technology Program shall have the right—

"(A) to help select which technical areas will receive support from that agency's contributions; and

"(B) to be represented on the review panels which competitively review applications for the funds that came from that agency.

"(4) If a Federal department or agency subject to the requirements of paragraph (1) of this subsection uses one of its own programs to support industry-led technology development projects, the department or agency shall make awards under that program to industry through a competitive, merit-based review process.

"(5) As used in this section, the term 'industry-led technology development projects' means research and development projects in which individual United States companies or joint research and development ventures (as defined in section 2(a)(6) of the National Cooperative Research Act of 1984; 15 U.S.C. 4301(a)(6)) apply, on a cost-sharing basis, for Federal funding to develop generic, precompetitive technologies.

"(6) The requirements of this subsection shall not apply to the Department of Defense, the Department of Energy, the National Science Foundation, or any Federal department or agency whose annual research and development budget totals less than $50,000,000.

"(c) REQUIRED SUPPORT BY DOD, DOE, AND NSF.—(1) The Department of Defense and the Department of Energy shall, as appropriate, support the development of generic dual-use technologies which both assist those departments with their missions and help the private sector. The Secretary of Defense and the Secretary of Energy may, as appropriate, support industry-led technology development projects through the Advanced Technology Program.

"(2) The Director of the National Science Foundation shall continue to provide for the support of basic engineering research in manufacturing and manufacturing-related disciplines at colleges and universities throughout the United States.

"(d) TERMINATION.—The requirements under this section shall expire at the end of fiscal year 2000.

"SEC. 305. INSTITUTE FELLOWSHIPS IN MANUFACTURING ENGINEERING.

"(a) GRADUATE FELLOWSHIPS.—(1) The Under Secretary and Director shall establish a program to provide fellowships to graduate students at institutions of higher education within the United States who choose to pursue masters or doctoral degrees in manufacturing engineering. The purpose of the program is to encourage larger numbers of highly-qualified graduate students to enter manufacturing engineering and thereby help improve manufacturing within the United States. Such fellowships shall be awarded through a competitive, merit-based selection process.

"(2) In order to be eligible to receive one of the graduate fellowships established by this subsection, a student must attend or be admitted to a university graduate program which has been certified by the Director as meeting the following criteria:

"(A) at least several manufacturing companies have a continuing relationship with the program;

"(B) the program has at least several faculty members with expertise in manufacturing; and

"(C) the program encourages its graduate students to acquire experience in industry before enrolling for graduate study.

"(b) MANUFACTURING MANAGERS PROGRAM.—The Under Secretary and Director also shall establish a program to provide fellowships, on a matching funds basis, to industrial executives with experience in manufacturing to serve for one or two years as instructors in manufacturing at two-year community and technical colleges in the United States. Fellowships shall be made through a competitive, merit-based process. In selecting fellows, the Under Secretary and Direc-

tor shall place special emphasis on supporting individuals who not only have expertise and practical experience in manufacturing but who also can serve as bridges between two-year colleges and manufacturing firms in their areas.

"SEC. 306. NATIONAL QUALITY LABORATORY.

"(a) ESTABLISHMENT.—(1) There is hereby established, under the supervision of the Director, a National Quality Laboratory (hereafter in this section referred to as the 'Laboratory'). The purpose of the Laboratory is to disseminate information and materials and promote educational and research activities regarding ways in which United States companies and organizations can improve their quality management programs and productivity and, if they so desire, improve their ability to compete for the Malcolm Baldrige National Quality Award established under section 107 of this Act.

"(2) The Director may, under appropriate contractual arrangements, select one or more managers to operate the Laboratory, selecting such manager or managers from among broad-based nonprofit entities which are leaders in the field of quality management and which have a history of service to society.

"(b) ACTIVITIES.—The Laboratory shall—

"(1) develop industry-led workshops, seminars, and other mechanisms to disseminate broadly to United States companies and organizations the best practices available in total quality management, including the practices and quality improvement strategies successfully employed by those firms that have won the Malcolm Baldrige National Quality Award, as well as best practices in the fields of lean production, market-driven product improvement, and customer-supplied relations;

"(2) work with industry leaders and others to develop both measures of quality and recommendations concerning what skills employees should have in order to participate effectively in company quality programs;

"(3) explore, with private industry, other Federal agencies, and State and local government, innovative ways, including model curricula, in which two-year colleges and other educational institutions can teach quality assurance techniques and related background skills to industrial workers in both manufacturing and services; and

"(4) operate, at the Institute, at Regional Centers for the Transfer of Manufacturing Technology, or at other appropriate sites, summer courses and workshops to train teachers from high schools, two-year colleges, and other educational institutions in quality assurance techniques, advanced manufacturing, and related areas.

"(b) FUNDING.—The Secretary and the Director are authorized to seek and accept gifts from public and private sources to help fund the activities of the Laboratory. The Secretary and the Director also are authorized to use appropriated funds to assist the operations of the Laboratory.

SEC. 4. TECHNOLOGY EXTENSION AND DEPLOYMENT ACTIVITIES OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) MANUFACTURING TECHNOLOGY CENTERS.—Section 25 of the Act of March 3, 1901 (15 U.S.C. 278k), is amended—

(1) by amending the section heading to read as follows: MANUFACTURING TECHNOLOGY CENTERS";

(2) in subsection (c)(5), by inserting ", except for contracts for such specific technology extension services as the Director may specify" immediately before the period at the end;

(3) in subsection (c)(6), by inserting ", or by National Centers for Manufacturing and Process Technology," immediately after "Centers";

(4) by striking subsection (d); and

(5) by adding at the end the following new subsections:

"(d)(1) If a Center receives a positive evaluation after its third year of operation, the Director may, any time after that evaluation, contract with the Center to provide additional technology extension or transfer services above and beyond the baseline activities of the Center. Such additional services may include, but are not necessarily limited to, the development and operation of—

"(A) prototype regional teleconferencing and digital communications networks for the purpose of expanding the number of States and companies which can receive a Center's baseline services; and

"(B) programs to assist small- and medium-sized manufacturers in the Center's region to learn and apply the technologies and techniques associated with systems management technology.

"(2) In addition to any assistance provided or contracts entered into with a Center under this section, the Director is authorized to make separate and smaller awards, through a competitive process, to nonprofit organizations within the region served by a Center to enable those organizations to provide additional outreach services, in collaboration with the Center, to small- and medium-sized manufacturers. Organizations which receive such awards shall be known as Satellite Manufacturing Centers. No single award for a Satellite Manufacturing Center shall be for more than three years, awards shall be renewable through the competitive awards process, and no award shall be made unless the applicant provides matching funds at least equal to the amount requested from the Director.

"(e)(1) In addition to providing assistance for Regional Centers for the Transfer of Manufacturing Technology, the Secretary, through the Director, also shall provide assistance for the creation and support of National Centers for Manufacturing and Process Technology (hereafter in this Act referred to as 'National Centers'). Such National Centers shall be affiliated with any United States-based joint research and development venture (as defined in section 2(a)(6) of the National Cooperative Research Act of 1984; 15 U.S.C. 4301(a)(6)) that applies for and is awarded financial assistance under this subsection in accordance with a description that the Secretary shall publish in the Federal Register. Individual awards shall be selected on the basis of merit, through a competitive selection process.

"(2) The objective of the National Centers program is to enhance manufacturing productivity and quality in the United States through—

"(A) the creation of a series of industry-led National Centers, each focused on the testing, deployment, and application of manufacturing process technologies within a specific technical field such as advanced materials, electronics fabrication, or general manufacturing, for the purpose of assisting United States companies, both large and small, throughout the Nation to improve manufacturing, product design, and production in that specific technical field;

"(B) the transfer of manufacturing technologies and process techniques developed at the Institute to the National Centers and, through them, to manufacturing companies throughout the United States; and

"(C) the active dissemination of scientific, engineering, technical, and management information about manufacturing and process technology, including existing state-of-the-art technology as well as new advanced technologies.

"(3) The Secretary may provide financial support to any National Center created under this subsection for a period not to exceed 10 years. The Secretary may not provide to a National Center more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain such National Center. The Secretary shall award to a National Center funding for the sixth through tenth years of that National Center's operation only if that National Center successfully passes an evaluation by the Secretary made during the fourth or fifth year of operation.".

(b) STATE TECHNOLOGY EXTENSION PROGRAM.—(1) Section 26(a) of the Act of March 3, 1901 (15 U.S.C. 278*l*(a)), is amended—

(1) by inserting immediately after "(a)" the following new sentence: "There is established within the Institute a State Technology Extension Program."; and

(2) by inserting "through that Program" immediately after "technical assistance".

(2) Section 26 of the Act of March 3, 1901 (15 U.S.C. 278*l*) is amended by adding at the end the following new subsection:

"(c) In addition to the general authorities listed in subsection (b) of this section, the State Technology Extension Program also shall, as authorizations and appropriations permit—

"(1) make awards to States and conduct workshops, pursuant to section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, in order to help States improve their planning and coordination of technology extension activities;

"(2) support pilot projects in the States to develop and test innovative ways to help small and medium-sized manufacturers improve their technical capabilities, including innovative methods for transferring Federal technology, for encouraging business networks and shared facilities among small manufacturers, and for working with the States and, as appropriate, private information companies, to provide small and medium-sized firms with access to data bases and technical experts;

"(3) support cooperative research and technology assistance projects between the Institute and the States, particularly projects, funded on a matching basis, to help firms within the States to improve their manufacturing and process technologies;

"(4) support, on a matching funds basis, regional industrial modernization demonstration projects; and

"(5) as appropriate, promote the creation of industry-led State quality laboratories or institutes affiliated with the National Quality Laboratory established by section 307 of the Stevenson-Wydler Technology Innovation Act of 1980.".

SEC. 5. NATIONAL COMMISSION ON INDUSTRIAL MODERNIZATION.

(a) ESTABLISHMENT AND PURPOSE.—There is established a National Commission on Industrial Modernization (hereafter in this section referred to as the "Commission"), for the purpose of examining what steps must be taken by industry and government to ensure that within a decade the United States has a modern industrial infrastructure, including research and development capabilities and equipment and facilities, second to no other option.

(b) ISSUES.—The Commission shall address, but not necessarily limit itself to, the following issues:

(1) What range of factors affect how willing and able United States companies are to invest in new research, product development, and equipment and facilities, and how do those factors compare with conditions in other major industrialized countries?

(2) How do the cost, availability, and long-term or short-term orientation of capital in the United States affect the ability of companies to make investments and modernize industrial equipment and facilities?

(3) What are the particular industrial modernization problems, including capital problems and insufficient information, faced by small and medium-sized manufacturing firms in the United States?

(4) How feasible and appropriate would it be to create a privately-sponsored or government-sponsored enterprise which would serve as a secondary market for private loans for the purchase or lease of advanced manufacturing technology by small and medium-sized manufacturers within the United States, and could an insurance premium provision be built into such an enterprise to ensure that a sufficient financial reserve would exist to cover any losses incurred by the enterprise?

(5) In general, what steps could the Federal Government, the States, and the private sector take to accelerate the modernization of United States industry, particularly manufacturing firms?

(c) MEMBERSHIP.—(1) The Commission shall be composed of 12 members, none of whom shall serve as full-time Federal employees during their term of service on the Commission, who are eminent in such fields as advanced technology, manufacturing, finance, and international economics and who are appointed as follows:

(A) Four individuals shall be appointed by the President, one of whom shall be designated by the President to chair the Commission.

(B) Four individuals shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the minority leader of the House of Representatives.

(C) Four individuals shall be appointed by the President pro tempore of the Senate, three of whom shall be appointed upon the recommendation of the majority leader of the Senate and one of whom shall be appointed upon the recommendation of the minority leader of the Senate.

(2) Each member shall be appointed, within 60 days after the date of enactment of this Act, for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) PROCEDURES.—(1) The chairman shall call the first meeting of the Commission within 90 days after the date of enactment of this Act.

(2) Recommendations of the Commission shall require the approval of two-thirds of the members of the Commission.

(3) The Commission may use such personnel detailed from Federal agencies, particularly the Department of Commerce, as may be necessary to enable the Commission to carry out its duties.

(4) Members of the Commission, while attending meetings of the Commission while away from their homes or regular places of business, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) REPORTS.—The Commission shall, within one year after the date of enactment of this Act, submit to the President and Congress a report containing legislative and other recommendations with respect to the issues addressed under subsection (b).

(f) TERMINATION.—The Commission shall terminate 6 months after the submission of its report under subsection (e).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal years 1993 and 1994.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

In addition to such other sums as may be authorized to be appropriated to the Secretary and the Director by this or any other Act, there is authorized to be appropriated to the Secretary and the Director—

(1) to carry out responsibilities under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980 (as added by this Act), $50,000,000 for fiscal year 1993, $100,000,000 for fiscal year 1994, and $75,000,000 for fiscal year 1995;

(2) to carry out responsibilities under section 305 of the Stevenson-Wydler Technology Innovation Act of 1980 (as added by this Act), $20,000,000 for fiscal year 1993, $30,000,000 for fiscal year 1994, and $30,000,000 for fiscal year 1995;

(3) to carry out responsibilities under section 306 of the Stevenson-Wydler Technology Innovation Act of 1980 (as added by this Act), $5,000,000 for fiscal year 1993, $5,000,000 for fiscal year 1994, and $5,000,000 for fiscal year 1995; and

(4) to carry out responsibilities under subsections (d) and (e) of section 25 of the Act of March 3, 1901, (as added by this Act), $30,000,000 for fiscal year 1993, $60,000,000 for fiscal year 1994, and $50,000,000 for fiscal year 1995.

SEC. 7. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(1) by adding at the end the following new paragraphs:

"(14) 'Director' means the Director of the National Institute of Standards and Technology.

"(15) 'Institute' means the National Institute of Standards and Technology.

"(16) 'Assistant Secretary' means the Assistant Secretary of Commerce for Technology Policy.

"(17) 'Advanced manufacturing technology means—

"(A) numerically-controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production; and

"(B) techniques and processes designed to improve manufacturing quality, productivity, and practices, including quality assurance, concurrent engineering, shop floor management, inventory management, and upgrading worker skills.".

(b) REDESIGNATIONS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) by inserting immediately after section 4 the following new title heading:

"TITLE I—DEPARTMENT OF COMMERCE AND RELATED PROGRAMS";

(2) by redesignating sections 5 through 10 as sections 101 through 106, respectively;

(3) by redesignating sections 11 through 15 as sections 201 through 205, respectively;

(4) by redesignating sections 16 through 18 as sections 107 through 109, respectively;

(5) by striking section 19;

(6) by redesignating section 20 as section 110;

(7) by inserting immediately after paragraph 110 (as so redesignated) the following new title heading:

"TITLE II—FEDERAL TECHNOLOGY TRANSFER";

(8) in section 4—

(A) by striking "section 5" each place it appears and inserting in lieu thereof "section 101";

(B) in paragraphs (4) and (6), by striking "section 6" and "section 8" each place they appear and inserting in lieu thereof "section 103" and "section 105", respectively; and

(C) in paragraph (13), by striking "section 6" and inserting in lieu thereof "section 102"; and

(9) by adding at the end of section 201 (as redesignated by paragraph (3) of this subsection) the following new subsection:

"(h) ADDITIONAL TECHNOLOGY TRANSFER MECHANISMS.—In addition to the technology transfer mechanism set forth in this section and section 202 of this Act, the heads of Federal departments and agencies also may transfer technologies through the technology transfer, extension, and deployment programs of the Department of Commerce and the Department of Defense.".

MANUFACTURING STRATEGY ACT OF 1991—BILL SUMMARY

National Goal—States that it shall be the policy of the United States Government, and particularly the Department of Commerce (DOC), to work with industry to ensure that within 10 years the United States is second to no other nation in the development, deployment, and use of advanced manufacturing technology.

Department of Commerce Role—States that DOC shall be the lead civilian agency of the Federal Government for working with United States industry to develop new generic manufacturing technologies and to encourage and assist in their deployment throughout the country. States that the Department of Defense (DOD) is the lead agency for defense manufacturing matters, and directs the Secretaries of Commerce and Defense to coordinate their policies and programs.

Technology Development—Advanced Manufacturing Systems and Networking Project: Creates, under the Director of DOC's National Institute of Standards and Technology (NIST), an industry-NIST collaborative project to develop and test new generic computer-controlled manufacturing systems and associated manufacturing communications networks. The aim is to create prototype manufacturing systems of the future.

Agency support of generic technologies: Requires all Federal agencies with over $50 million a year in research and development (R&D) to earmark 0.5 percent of their R&D budgets to support industry-led projects to develop new generic technologies, particularly manufacturing and process technologies. Excludes the Defense Department, the National Science Foundation, and Energy Department defense activities because these agencies have well-developed existing programs. Authorizes and encourages agencies to channel such funds through NIST's existing Advanced Technology Program.

Technology Extension and Development—Satellite Manufacturing Centers and National Centers for Manufacturing and Process Technology: Establishes, in addition to NIST's existing Manufacturing Technology Centers, a program of small Satellite Manufacturing Centers to work with the existing manufacturing centers. Also establishes a new program of National Centers for Manufacturing and Process Technology to help industry

with the process technology needs of specific technical fields.

State Technology Extension Program: Clarifies title and expands mission of NIST's existing State Technology Extension Program.

National Quality Laboratory: Creates an industry-led National Quality Laboratory, in affiliation with NIST's Baldrige National Quality Award Program, to share the nation's best manufacturing practices with a wide range of U.S. firms. In effect, companies and groups who are leaders in total quality management and other best practices would help teach other firms.

Fellowships—Establishes NIST fellowships both for graduate students in manufacturing and for industry managers who would spend one or two years teaching manufacturing in community colleges.

National Commission on Industrial Modernization—Establishes 12-member National Commission on Industrial Modernization to analyze and make recommendations regarding how to increase investments in the development and application of new technologies, modernize facilities, and thus contribute to U.S. economic competitiveness.

Authorizations of Appropriations—Authorizes the following funds for the new programs created under this bill (funds in addition to authorizations for existing NIST programs):

[In millions of dollars]

	Fiscal year—		
	1993	1994	1995
Manufacturing project	50	100	75
Manufacturing fellowships	20	30	30
Quality laboratory[1]	5	5	5
Satellite and national centers	30	60	50
Total	105	195	160

[1] Most support for the Quality Laboratory will come from private sources.•

• Mr. GORE. Mr. President, I am pleased to join my colleagues in introducing these important bills to help restore U.S. leadership in technology and manufacturing.

As chairman of the Senate's Subcommittee on Science, Technology, and Space, and as a member of both the Commerce Committee and Armed Services, I know firsthand how important technology is to this Nation's future. I know that industry-government cooperation in technology has built entire American industries, including aircraft, computers, and biotechnology. I know, as do my colleagues, that investments made two decades ago in electronics, combined with the skill and dedication of our troops, won the gulf war.

With leadership in technology and manufacturing, the United States will be prosperous and strong with well-paid workers supporting their families with secure jobs. With new technologies, and new industries, and the economic growth they bring, we can keep the American dream alive. But if we continue to lag behind other nations, if we continue our current policy and drift aimlessly into the future, then growth will elude us, our competitors will overtake us, and that future will be marred by what could have been. American workers and America's economy will pay in lost jobs, in lost opportunity, in lost competitive strength.

And, Mr. President, the future is what this debate is all about. In a high technology world, technology policy matters. Technology policy is central to our economic and military well-being, key factors which determine whether our Nation succeeds or fails. And right now, today, we are not doing as well as we should, if our goal is to build economic power.

We should listen to the American people. They're worried. They're telling us, a majority of them, that our country is on the wrong track, that the problems they face are being ignored. There are optimists: Fortune magazine has just proclaimed "the second American century," and I truly hope they are right. But the voices I hear and the statistics I see paint a different picture.

Consider, for example, the voices of young people and teachers who were quoted in Paul Taylor's excellent June 11, Washington Post article about high school graduates of the class of 1991. "Somebody screwed up," one 18-year-old says in the article. "No names, but someone must have made major mistakes, because it seems like we have a lot of things that were just kind of neglected, and now they are cropping up as major problems." The article says that this student is daunted about the size of the Federal debt, worried about the environment, and already has felt the pinch of an inhospitable economy.

The article then quotes a teacher:

All of the appliances in their homes are made in Japan. That simple fact has shaped a lot of their view of the world. It is not an optimistic time, and they are not an optimistic group. * * * These kids have grown up in a pressure cooker. They see the lifestyles their parents have been able to achieve, and they're haunted by the notion that they may not be able to match it.

Mr. President, what legacy have the policies of the past decade left our children? What legacy will today's drift in domestic policy leave them? What will happen if in technology policy—as with the environment, education, and so many other areas—there is only high-sounding but empty rhetoric, unmatched by real commitments?

We must confront the great economic challenge now before the United States. The days are over when the United States automatically led the world economy and had no shortage of high-paying manufacturing. We face stiff competition, from foreign governments and foreign companies determined to be the best. We lag behind in too many critical technologies and too many aspects of manufacturing.

Industry, labor, and government all became complacent and slow to recognize the great challenge before us. But while business and labor have recognized the challenge, tightened their belts, and striven to restore competitiveness as best they could, government—two Republican administrations—failed to do its part. In technology, for example, we invest almost none of our $70 billion annual research and development [R&D] budget to develop the new basic technologies needed by both industry and the military. Some of our leaders even pretend there is no problem, that there is no danger the United States will slip to the status of a second-rate economy of diminished expectations and reduced power.

Successive Republican administrations have failed to respond and failed to shift investment priorities to promote real economic growth in a high technology world. No effort has been made to bring together at the highest levels leaders from industry, labor, and government to craft the strategy necessary to get our economy back on track. No effort has recognized how important it is to try once again to make the American dream a real priority, not an empty slogan.

Mr. President, I believe that we who are introducing these bills today are offering the kind of response that is needed. We do not pretend that we can overnight restore America's leadership in technology or manufacturing, but these bills are a major piece of a long-term policy to bring results. They build upon proven approaches.

For example, both the Federal Technology Strategy Act, which I authored with Senator HOLLINGS, and the Bingaman-Nunn National Critical Technologies Act, call on the Office of Science and Technology Policy [OSTP] to prepare action plans for key technologies. OSTP and its Federal Coordinating Council for Science, Engineering, and Technology began this process in the late 1980's in the computer area, encouraged by legislation I authored in 1986. We have found these plans to be an excellent mechanism to strengthen the focus and interagency coordination of major R&D projects.

Senator BINGAMAN came at this issue from a different but equally important angle. Recognizing the importance of identifying critical emerging technology policy, he required first the Defense Department and then OSTP to identify the key technologies most important to the Nation. Major efforts followed, and now the Government has a much better idea than before which basic technologies are most important.

It is logical, then, to combine the interagency planning idea, which the Commerce Committee has long supported, with the list of critical technologies developed under Senator BINGAMAN's legislation. We are combining the best features of each approach.

Similarly, the leaders of the Commerce and Armed Services Committees are working together to develop the next generation of Federal policies regarding manufacturing technology. For several years, the National Institute of

Standards and Technology [NIST] and the Navy have worked together to develop and demonstrate new manufacturing technologies. Now it is time to take these technologies, along with innovations from other Federal laboratories, and work with industry to create a new generation of American manufacturing technology. The bills we are introducing today will authorize such an effort.

Mr. President, I have young children. I do not want them to grow up in an America of diminishing expectations, reduced opportunities, and increasing bitterness. We need not let our manufacturing base and high technology industries, and the economic prosperity they bring, decline further. We still have great strengths in this Nation, and if we put our minds to it we can once again compete with the best of them. What we lack is willpower and leadership from the administration.

Today, as four of the Senate's leaders on technology policy we are taking a major step to reorient the technology policies and priorities of the Federal Government. Through this legislation we can help make economic growth a priority. The American dream remains irrevocably tied with technology, as it has been since New England built the first mechanized factories in the 19th century and the country built its first canals and railroads. It is time to restore our lead in technology and manufacturing. It is time to work to keep the American dream within reach and the economic growth that makes it possible a long-term reality.•

By Mr. NUNN (for himself, Mr. BINGAMAN, Mr. BYRD, Mr. WARNER, Mr. COATS, Mr. GORE, Mr. THURMOND, Mr. WIRTH, Mr. MCCAIN, Mr. DIXON, Mr. HOLLINGS, Mr. DOMENICI, Mr. HATFIELD, Mr. SMITH, Mr. EXON, Mr. SHELBY, Mr. BUMPERS, Mr. DECONCINI, Mr. GLENN, Mr. LIEBERMAN, Mr. LEVIN, and Mr. KENNEDY):

S. 1331. A bill to require the Secretary of Defense to establish a grant program for the improvement of undergraduate and graduate manufacturing engineering education at institutions of higher education in the United States; to the Committee on Armed Services.

DEFENSE MANUFACTURING ENGINEERING EDUCATION ACT

• Mr. NUNN. Mr. President, I rise today, along with my distinguished colleagues, Senator BINGAMAN, Senator BYRD, Senator BUMPERS, Senator COATS, Senator DECONCINI, Senator DIXON, Senator DOMENICI, Senator EXON, Senator GLENN, Senator GORE, Senator HATFIELD, Senator HOLLINGS, Senator KENNEDY, Senator LIEBERMAN, Senator LEVIN, Senator MCCAIN, Senator SHELBY, Senator SMITH, Senator THURMOND, and Senator WIRTH to introduce the Defense Manufacturing Engineering Education Act of 1991.

Today, Mr. President, the Congress, the administration, and the American people all recognize the need to improve America's manufacturing capabilities. These improvements are critical to maintain national security and our economic vitality in the coming decades. The recent report of the National Critical Technologies Panel, headed by the White House science adviser, has made manufacturing technology one of its top priorities. The Defense Department, in its 1991 defense critical technologies plan, places a heavy emphasis on manufacturing technology. And the Joint Chiefs of Staff 1991 net assessment states that the ongoing loss of U.S. manufacturers is a threat to our ability to field state-of-the-art weapons systems on a timely basis.

Leaders in industry and academia now recognize that American engineering education has for the past several decades tended to neglect manufacturing and production process technology. It has, instead, tended to emphasize product design and engineering analysis. As a direct consequence, manufacturing engineering has somehow acquired a reputation of being a less prestigious occupation. It's been estimated that America devotes fully two-thirds of its engineering effort to product design and only one-third to manufacturing process design. In Japan, that ratio is typically reversed.

The legislation we are introducing today is directly targeted at one of America's most pressing problems, maintaining America's manufacturing essential capabilities in all areas of manufacturing critical to our national security and our economic growth. America needs to relearn how to take the results of its science and technology and effectively convert it into useful applications.

Mr. President, the purpose of this legislation is straightforward. It is intended to increase the number of manufacturing engineering students graduating from our universities and colleges. The proposed legislation will accomplish this by establishing a Defense Department program to make grants to universities and colleges all across America to establish new programs in manufacturing engineering education where none now exist, and to strengthen existing manufacturing engineering programs in universities and colleges that have already established such programs.

The firms that constitute America's defense industrial base provide a significant fraction of America's total manufacturing capability. Further, the advanced manufacturing technologies that the Defense Department has developed, and is continuing to develop, through their MANTECH program have often been the basis for improvements in the commercial sector manufacturing. Today we find that the development and application of defense and commercial advanced manufacturing technologies are becoming fully intertwined and interdependent. What supports one supports the other; what harms one harms the other.

In July 1988, the Under Secretary of Defense for Acquisition described the results of his examination of the problems facing the U.S. manufacturing base in a DOD report entitled "Bolstering Defense Industrial Competitiveness." In that report he noted that—

> The American educational system does not produce the required numbers and skill levels of scientists, engineers, and technicians to support advanced manufacturing needs. Engineering schools in American universities also focus inadequately on manufacturing, instead training engineers for careers in product research and development. Few faculty members have industrial experience or expertise. Emphasis on specialization results in engineering professional who are ill-equiped to understand total manufacturing systems.

The conclusion reached by the Under Secretary of Defense in this 1988 DOD study are as valid today as they were then. Since then, many other groups and committees have studied various aspects of this same problem. All tend to reach the same conclusions. And all conclude that our universities and colleges must, somehow, better balance the education of our engineers between product and process design, between invention and production, so that we can only convert science into technolgy to the battlefield or marketplace more economically, with higher quality, and quicker than any other nation.

Today, approximately 14 percent of all U.S. scientists and engineers are employed in defense related activities. The Department of Defense directly employs more than 100,000 scientists and engineers, approximately 3 percent of the national pool. And appropriately the Department has a large number of different programs supporting science and engineering education at the precollege, undergraduate and graduate levels.

The legislation we are introducing today is intended to build on this substantial Defense Department support of science and engineering education by expanding it into an area that critically needs our attention, and an area that will directly support the mission of the Defense Department.

The United States today graduates a few hundred engineers well-trained in advance manufacturing disciplines from those universities and colleges around the Nation that already have established manufacturing engineering education programs. But if you ask the leaders of industry in America, they will tell you that we should be graduating thousands rather than hundreds of new engineers educated in manufacturing technology each year if we are to

remain a global power. And that we should find ways to reach beyond the traditional demographic group that make up this occupation, white males, and include women, minorities and the disabled.

Mr. President, the Defense Manufacturing Engineering Education Act of 1991 authorizes the Department of Defense to competitively award grants to at least 10 American universities and colleges to support multidisciplinary manufacturing engineering education programs at the undergraduate and/or graduate level. In order to achieve greater dispersion of these programs throughout America, at least one-third of these grants must be used to start new programs and, to the maximum extent practical, geographic concentration of grants should be avoided.

The legislation authorizes the Defense Department to fund this program at a level of $25 million for fiscal year 1992 and another $25 million for fiscal year 1993. To ensure that there is a full commitment to make these programs succeed, the grants will be awarded only when either the State government and the private sector provide matching funds on at least a 50–50 basis.

Programs selected for grants must have three essential elements: a multidisciplinary instruction component, a research component, and an integral work-experience component. The instructional component typically will include a selection of undergraduate or graduate level courses related to manufacturing and also laboratory activities, thesis projects, and visits to industrial facilities.

The research component will be specifically directed at supporting the instruction component through faculty and student performed research. The work-experience component may include internships, summer job placements, or cooperative work-study programs, in order to place the instruction and research elements in a real-world context.

The legislation directs the Defense Department to fully coordinate this program with the National Science Foundation's program to support engineering education to ensure that both programs are well coordinated. It also directs that programs selected have a significant level of participation by women, minorities, and the disabled.

In preparing this legislation, our staff worked closely with several major universities that already have manufacturing engineering programs established to benefit from their experience. Over 30 universities across the Nation were asked to review the draft legislation and recommend changes. Mr. President, I must report that the responses received have been overwhelmingly enthusiastic. Further, many of these responses offered constructive criticism which was incorporated wherever possible.

Mr. President, the legislation that we are introducing today provides a reasonable approach to increasing the number of engineers who think manufacturing, and who will take the lead in improving America's capability to manufacture and sell the things we invent competitively in today's global marketplace. It directly helps America's national security by making more engineering talent available to the defense industrial base to make our future weapons systems more produceable and more affordable. And, more importantly, it supports America's defense industrial base by strengthening America's ability to manufacture the products we need, such as advanced materials, microelectronic components and devices, and tools and test equipment, at home, and globally competitive in price and quality. I believe that the legislation we are introducing will act, in a very significant and important way, to ensure that the United States continues to maintain its leadership position both in the military and economic sectors in this era of advancing technologies.

Mr. President, I respectfully request that the full text of the bill be printed immediately following my statement in the RECORD.

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

S. 1331

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 "Defense Manufacturing Engineering Education Act of 1991".

SEC. 2. FINDINGS AND PURPOSE

(a) FINDINGS.—Congress makes the following findings:

(1) A strong defense industrial base is essential for the maintenance of the national security of the United States.

(2) Significant improvements in the productivity of the defense industrial base of the United States can be made if the manufacturers in the defense industrial base take full advantage of the rapid advancements that are occurring in manufacturing technology.

(3) Improved education and training of United States engineers, technicians, and workers in modern manufacturing techniques is vital to the ability of manufacturers in the defense industrial base of the United States to take advantage of advances in manufacturing technology.

(4) Federal Government support for State, local, and private sector initiatives is needed to stimulate improvements in manufacturing engineering education and training.

(b) PURPOSES.—The purposes of this Act are to encourage the development of undergraduate and graduate level programs of education and research in manufacturing engineering at institutions of higher education in the United States and to increase the number of persons educated in the techniques and disciplines of manufacturing engineering through—

(1) the expansion of Federal Government support for programs of manufacturing engineering education in the United States;

(2) the provision of financial support for the establishment of new programs of manufacturing engineering education across the United States;

(3) the upgrading of existing programs in manufacturing engineering education in the United States;

(4) the encouragement of increased participation of women, members of minority groups, and disabled persons in manufacturing education and training; and

(5) the active involvement of the Federal Government, States, and local governments along with institutions of higher education and private industry in cooperative undertakings to establish and support such programs.

SEC. 3. MANUFACTURING ENGINEERING EDUCATION GRANT PROGRAM

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Defense, in consultation with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy, shall establish a program for the Secretary to make grants to institutions of higher education for the following purposes:

(1) To support the enhancement of existing programs in manufacturing engineering education that are conducted by grantee institutions and that meet the requirements of section 4.

(2) To support the establishment at grantee institutions of new programs in manufacturing engineering education that meet such requirements.

(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—For the purpose of subsection (a)(2), a program in manufacturing engineering education to be established at an institution of higher education may be considered new regardless of whether the program is to be conducted—

(1) within an existing department in a school of engineering of the grantee institution of higher education;

(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

(c) MINIMUM NUMBER OF GRANTS FOR NEW PROGRAMS.—Of the total number of grants awarded pursuant to this section, at least one-third shall be awarded for the purpose stated in subsection (a)(2).

(d) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.

(e) INITIAL GRANTS.—Within one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the National Science Foundation, shall award grants under the program to at least 10 institutions of higher education across the United States.

(f) COORDINATION OF GRANT PROGRAM WITH THE NATIONAL SCIENCE FOUNDATION.—The Secretary of Defense and the Director of the National Science Foundation shall enter into a written agreement for carrying out the grant program established pursuant to this section. The agreement shall include the following matters:

(1) Procedures to ensure that the grant program is fully coordinated with similar existing education programs of the National Science Foundation.

(2) Provisions for the National Science Foundation to assist in the administration

and management of grants made by the Secretary under the program.

SEC. 4. COVERED PROGRAMS OF MANUFACTURING ENGINEERING EDUCATION

(a) IN GENERAL.—A program of engineering education supported with a grant awarded pursuant to this Act shall meet the requirements of this section.

(b) LEVEL OF HIGHER EDUCATION FOR WHICH PROGRAM IS OFFERED.—The program of education shall be conducted at the undergraduate level, the graduate level, or both the undergraduate and graduate levels.

(c) COMPONENTS OF PROGRAM.—The program of education shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence;

(B) faculty development programs;

(C) recruitment of educators highly qualified in manufacturing engineering;

(D) presentation of seminars, workshops, and training for the development of specific research or education skills; and

(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives.

(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

(3) Faculty and student research that is directly related to, and supportive of, the education of undergraduate or graduate students in advanced manufacturing science and technology because of—

(A) the increased understanding of advanced manufacturing science and technology that is derived from such research; and

(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

(d) SIGNIFICANT INVOLVEMENT OF INDUSTRY.—The program shall be conducted with a significant level of involvement of private sector manufacturing firms having major manufacturing operations in the United States and a significant level of collaboration between the firms so involved and the institution of higher education conducting the program.

SEC. 5. GRANT PROPOSALS

(a) PROPOSAL REQUIREMENTS.—The Secretary of Defense, in coordination with the Director of the National Science Foundation, shall solicit from institutions of higher education in the United States proposals for grants to be made pursuant to this Act for the support of programs of manufacturing engineering education that are consistent with the purposes of this Act.

(b) CONTENT OF PROPOSALS.—Each proposal submitted by an institution of higher education shall include the following:

(1) A description of the program proposed to be supported by the grant.

(2) A discussion of the institution's experience and demonstrated capabilities that qualify the institution to conduct the proposed program.

(3) A discussion of how industrial experience, expertise, and facilities will be integrated into the proposed program.

(4) A description of the anticipated curriculum.

(5) A description of the research proposed to be conducted pursuant to the proposed program, including how the research will support the instructional content of the program.

(6) A commitment by the non-Federal Government participants in the proposed program to contribute financial or in-kind support sufficient to defray at least 50 percent of the total cost of the program during the period covered by the grant, including a description of the cost-sharing arrangements provided to carry out the cost-sharing commitment.

(7) A description of the specific benefits the proposed program will provide for the improvement of the defense industrial base of the United States and the education and training of engineers in manufacturing methods, techniques, and technology in the United States.

(8) A plan to achieve a significant level of participation by women, members of minority groups, and disabled persons through active recruitment of students from among such persons.

SEC. 6. GRANT AWARDS

(a) MERIT COMPETITION.—Grants shall be awarded on the basis of merit competition in accordance with procedures prescribed by the Secretary of Defense in coordination with the Director of the National Science Foundation.

(b) SELECTION CRITERIA.—The Secretary may select a proposal for the award of a grant pursuant to this Act if the proposal, at a minimum—

(1) promotes the achievement of the purposes of this Act;

(2) contains innovative approaches for improving engineering education in manufacturing technology;

(3) demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made;

(4) provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology;

(5) demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities;

(6) is likely to attract superior students;

(7) proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology;

(8) proposes a program that, within 3 years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program; and

(9) proposes to achieve a significant level of participation by women, members of minority groups, and disabled persons through active recruitment of students from among such persons.

SEC. 7. DEFINITION

In this Act, the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS

There is hereby authorized to be appropriated to the Department of Defense for each of fiscal years 1992 and 1993, $25,000,000 to carry out the provisions of this Act.•

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SYMMS, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. WALLOP, Mr. PRESSLER, Mr. SIMPSON, Mr. BOND, Mr. SANFORD, Mr. MCCAIN, and Mr. CHAFEE):

S. 1332. A bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare program; to the Committee on Finance.

MEDICARE PHYSICIAN REGULATORY RELIEF AMENDMENTS

• Mr. BAUCUS. Mr. President, I am pleased to rise today with my esteemed colleague from Iowa, Mr. GRASSLEY, to introduce important health care legislation, the Medicare Physician Regulatory Relief Amendments of 1991. We are joined by many of our distinguished friends in this effort, namely Senators SYMMS, HOLLINGS, SHELBY, HARKIN, WALLOP, PRESSLER, SIMPSON, BOND, SANFORD, MCCAIN, and CHAFEE.

This legislation continues the work began last year with the first physician regulatory relief bill S. 2591 in the 101st Congress. Congressman ROY ROWLAND introduced similar legislation in the House, H.R. 4475, which had overwhelming support there. Our effort last year was met with tremendous success and we were able to achieve most of what we wanted in the context of the budget reconciliation bill. With passage of those provisions we made some headway in reducing the red tape and paperwork that physicians suffer with every time they see a patient who is covered by Medicare. We achieved establisment of a practicing physicians advisory board; modifications in physicians' rights to appeal Medicare denials; a pilot project to provide physicians with more information on how claims are screened for denial; and modifications in reciprocal billing arrangements. Each of these provisions is needed and will improve Medicare conditions for physicians and patients alike.

But there is much more to be done, and the bill we present today is another step in that direction.

Mr. President, some will say that paperwork burdens are a necessary, if undesirable, byproduct of cost containment efforts in Medicare. They will say we must keep strict control over what Medicare will pay for if we are to prevent costly abuses of the system.

I disagree with that philosophy.

I have no argument with those who say that we need very strong cost controls in the Medicare program. In fact, I have spoken many, many times on the need for cost containment in health care. There is no question that the problem of runaway costs in health care is tightly intertwined with the problem of access to health care.

But I would argue that by requiring physicians to jump through endless Medicare hoops we are not helping anyone: not Medicare beneficiaries, or taxpayers, or physicians. On the contrary, we are jeopardizing good medical care by creating an adversarial relationship between physicians, carriers, and patients. We are strangling physicians in redtape.

Mr. President, the paperwork burden must be cut down. The bill we are introducing today would do this by accomplishing the following:

Amend existing Medicare Secondary Payer [MSP] authority to prohibit the Health Care Financing Administration [HCFA] from denying a physician payment for medically necessary covered services where patient noncompliance with an independently generated questionnaire is in doubt.

Allow HCFA to use extrapolation for case identification purposes but give the physician the option of requiring the carrier to show cause by producing evidence of specific payment errors in a given calendar quarter before actual recoupment going back over a number of years is demanded.

Prohibit HCFA from charging physicians for: First, filing paper claims; second, claim filing errors or claims that are rejected; third, charging physicians or patients for the costs of unsuccessful appeals; fourth, applications for unique provider identification numbers; fourth, medical review requirements.

Require HCFA to consider input from State medical societies in the annual carrier performance evaluations.

Allow physicians to file administrative appeals when the carrier has failed to or improperly implemented Medicare policy as established by the Secretary.

Require that all medical necessity denials under the Medicare program be reviewed by appropriately licensed physicians of the same medical specialty as the physician providing the service.

Prohibit peer review precertifications for 10 procedures.

Allow substitute billing for locum tenens physicians.

Mr. President, these are modest changes that will help ease some of the paperwork burdens plaguing physicians. I hope many of our colleagues will join us in this important effort. Our Nation's physicians, and all Medicare beneficiaries, deserve better than the maze of regulations they suffer under today.

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. 1332

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 Physician Regulatory Relief Amendments of 1991".

SEC. 2. NO MEDICARE SECONDARY PAYOR DENIAL BASED ON FAILURE TO COMPLETE QUESTIONNAIRE.

Section 1862(b)(2) of the Social Security Act (42 U.S.C. 1395y(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) TREATMENT OF QUESTIONNAIRES.—The Secretary shall not fail to make payment under subparagraph (A) based upon the failure of an individual to complete a questionnaire concerning the existence of a primary plan. However, any such payment remains conditional (as provided under subparagraph (B)).".

SEC. 3. LIMITATIONS ON USE OF EXTRAPOLATION.

Section 1842(c) of the Social Security Act (42 U.S.C. 1395u(c)) is amended by adding at the end the following new paragraph:

"(4) In carrying out its contract under subsection (b)(3) with respect to physicians' services—

"(A) the carrier may use extrapolation in order to identify claims for which payment may be disallowed;

"(B) the carrier may not recoup or offset payment amounts based on extrapolation if the physician requests that disallowed claims be identified individually; and

"(C) no refund, offset assessment, penalties, or interest shall accrue with respect to a claim that is disallowed until the date the administrative appeals process has been completed.".

SEC. 4. LIMITATION ON CARRIER USER FEES.

Section 1842(c) of the Social Security Act (42 U.S.C. 1395u(c)) is further amended by adding at the end the following new paragraph:

"(5) Neither a carrier nor the Secretary may impose a fee under this title—

"(A) for the filing of a claim on paper relating to physicians' services,

"(B) for an error in filing a claim relating to physicians' services or for such a claim which is denied,

"(C) for any appeal under this title with respect to physicians' services,

"(D) for applying for (or obtaining a unique identifier under subsection (r), or

"(E) for responding to inquiries respecting physicians' services or for providing information with respect to medical review of such services.".

SEC. 5. INCLUDING PHYSICIAN INPUT IN ANNUAL CARRIER PERFORMANCE REVIEWS.

Section 1842(b)(2) of the Social Security Act (42 U.S.C. 1395u(b)(2)) is amended—

(1) in the second sentence of subparagraph (A), by inserting "(including the reduction of administrative burdens on physicians furnishing services for which payment is made under this part)" after "contract obligations under this section", and

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

"(D) In applying the standards and criteria established under subparagraph (A), the Secretary shall consider any evaluations (with respect to such standards and criteria) submitted by medical societies representing physicians who are served by the carrier.".

SEC. 6. APPEALS OF CARRIER VIOLATIONS.

Section 1842(b)(2) of the Social Security Act (42 U.S.C. 1395u(b)(2)) is further amended by adding at the end the following new subparagraph:

"(E) The Secretary shall provide that any individual (including a physician) who—

"(i) is aggrieved by the failure of a carrier to carry out policies established under this part, whether established through the carrier manual, regional office transmittals, central office transmittals, or other means, and

"(ii) establishes that the individual has (or, in the case of a failure affecting more than one individual, the individuals affected by the failure have) suffered damages aggregating at least $500 as a result of the failure, may obtain a hearing before the Secretary respecting such failure. If a carrier is found to have such a failure, the Secretary shall order the carrier to compensate the aggrieved individuals for such failure.".

SEC. 7. REVIEW OF MEDICAL NECESSITY DENIALS BY PHYSICIANS IN SAME SPECIALTY.

Section 1842(b)(2) of the Social Security Act (42 U.S.C. 1395u(b)(2)) is further amended by adding at the end the following new subparagraph:

"(F) In the contract under subsection (c), the Secretary shall require each carrier, in the case of a decision to deny payment for physicians' services under section 1862(a)(1), to provide for review of the decision by a physician in the same medical specialty as the medical specialty of the physician who provided the services.".

SEC. 8. CLARIFICATION OF PERMISSIBLE SUBSTITUTE BILLING ARRANGEMENTS FOR PHYSICIANS' SERVICES UNDER THE MEDICARE AND MEDICAID PROGRAMS.

(a) MEDICARE PROGRAM.—

(1) IN GENERAL.—Clause (D) of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6)), as inserted by section 4110(a)(2) of the Omnibus Budget Reconciliation Act of 1990, is amended to read as follows: "(D)(i) payment may be made to a physician for physicians' services (and services incident to such services) to be provided by a second physician on a reciprocal basis to individuals who are patients of the first physician if (I) the first physician is unavailable to provide the services, (II) the services are not provided by the second physician over a continuous period of longer than 60 days, and (III) the claim form submitted to the carrier includes the second physician's unique identifier (provided under the system established under subsection (r)) and indicates that the claim meets the requirements of this clause for payment to the first physician; and (ii) payment may be made to a physician for physicians' services (and services incident to such services) which that physician pays a second physician on a per diem or other fee-for-time basis to provide to individuals who are patients of the first physician if (I) the first physician is unavailable to provide the services, (II) the services are not provided by the second physician over a continuous period of longer than 90 days (or such longer period as the Secretary may provide), and (III) the claim form submitted to the carrier includes the second physician's unique identifier (provided under the system established under subsection (r)) and indicates that the claim meets the requirements of this clause for payment to the first physician".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

(b) MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1902(a)(32)(C) of such Act (42 U.S.C. 1396a(a)(32)(C)), as added by section 4708(a)(3) of the Omnibus Budget Reconciliation Act of 1990, is amended to read as follows:

"(C) payment may be made to a physician for services furnished by a substitute physician under the circumstances described in clause (D) of section 1842(b)(6), except that, for purposes of this subparagraph, any reference in such clause to 'a carrier' or 'the system established under subsection (r)' is deemed a reference to the State (or other fiscal agent under the State plan) and to the system established under subsection (x) of this section, respectively.".

(2) EFFECTIVE DATE.—(A) The amendment made by paragraph (1) shall apply to services furnished on or after the date of the enactment of this Act.

(B) Until the first day of the first calendar quarter beginning more than 60 days after the date the Secretary of Health and Human Services established the physician identifier system under section 1902(x) of the Social Security Act, the requirement under section 1902(a)(32)(C) of such Act that a claim form submitted must include the second physician's unique identifier is deemed to be satisfied if the claim form identifies (in a manner specified by such Secretary) the second physician.

SEC. 9. REPEAL OF PRO PRECERTIFICATION REQUIREMENT FOR CERTAIN SURGICAL PROCEDURES.

(a) IN GENERAL.—Section 1164 of the Social Security Act (42 U.S.C. 1320c-13) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1154 of such Act (42 U.S.C. 1320-3) is amended—

(A) in subsection (a), by striking paragraph (12), and

(B) in subsection (d), by striking "(and except as provided in section 1164)".

(2) Section 1833 of such Act (42 U.S.C. 13951) is amended—

(A) in subsection (a)(1)(D)(i), by striking ", or for tests furnished in connection with obtaining a second opinion required under section 1164(c)(2) (or a third opinion, if the second opinion was in disagreement with the first opinion";

(B) in subsection (a)(1), by striking clause (G);

(C) in subsection (a)(2)(A), by striking "to items and services (other than clinical diagnostic laboratory tests) furnished in connection with obtaining a second opinion required under section 1164(c)(2) (or a third opinion, if the second opinion was in disagreement with the first opinion,";

(D) in subsection (a)(2)(D)(i)—

(i) by striking "basis," and inserting "basis or", and

(ii) by striking ", or for tests furnished in connection with obtaining a second opinion required under section 1164(c)(2) (or a third opinion, if the second opinion was in disagreement with the first opinion))";

(E) in subsection (a)(3), by striking "and for items and services furnished in connection with obtaining a second opinion required under section 1164(c)(2), or a third opinion, if the second opinion was in disagreement with the first opinion)"; and

(F) in the first sentence of subsection (b)—

(i) by striking "(3)" and inserting "and (3)", and

(ii) by striking ", and (4)" and all that follows up to the period at the end.

(3) Section 1834(g)(1)(B) of such Act (42 U.S.C. 1395m(g)(1)(B)) is amended by striking "and for items and services furnished in connection with obtaining a second opinion required under section 1164(c)(2), or a third opinion, if the second opinion was in disagreement with the first opinion)".

(4) Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(A) by adding "or" at the end of paragraph (14),

(B) by striking "; or" at the end of paragraph (15) and inserting a period, and

(C) by striking paragraph (16).

(5) The third sentence of section 1866(a)(2)(A) of such Act (42 U.S.C. 1395w(a)(2)(A)) is amended by striking ", with respect to items and services furnished in connection with obtaining a second opinion required under section 1164(c)(2) (or a third opinion, if the second opinion was in disagreement with the first opinion),".

SEC. 10. EFFECTIVE DATE.

The amendments made by this Act (other than by section 8) shall take effect on January 1, 1992.●

● Mr. GRASSLEY. Mr. President, I am pleased to join with my colleague, Senator BAUCUS, and several other Senators, in introducing the Medicare Physician Regulatory Relief Amendments of 1991—a bill which we think would reduce some of the redtape with which we have entangled physicians who treat Medicare beneficiaries.

Mr. President, there cannot be a Member of the Senate or House of Representatives who has not had reams of bitter mail from physicians detailing the hassles to which they are subjected by Medicare rules and regulations.

They complain:

Of payment rejections which they must appeal and reappeal with more paperwork before finally receiving payment.

Of letters demanding additional treatment justifications which eventually, after more correspondence, prove to have been unnecessary.

Of constantly changing requirements that have no relationship to the way medicine is really practiced.

Well, why should we care if physicians are upset with the administration of the Medicare Program? After all, one might argue that they are well compensated for their troubles.

The primary reason is that it can be the patient who ultimately suffers because of this kind of hassle. A second important reason is that unnecessary redtape adds to the cost of health care.

It has come to the point in many places that some physicians are simply refusing to take new Medicare beneficiaries. In the Cedar Rapids area of Iowa, for instance, constituents whose physician has died or retired have written to tell me that they are having a very difficult time finding a physician who will accept them.

Furthermore, in some parts of the country, for instance, rural Iowa, it is difficult to recruit physicians. In our State at this moment about 161 communities are looking for about 258 physicians.

The difficulty of getting physicians into rural communities is not entirely attributable to Medicare problems. But the prospect of case loads with large numbers of Medicare beneficiaries must cause physician recruits to pause, and, in many cases, locate somewhere other than rural communities.

In Iowa, part of the problem is that Medicare reimbursement for physicians is among the very lowest in the country.

A big part of the problem in Iowa, however, as elsewhere, is that the program subjects physicians to inordinate hassles through the routine administration by carriers and through the work of the peer review organizations.

In a State like my own, where 50 percent of the case load of a rural physician may consist of Medicare beneficiaries, Medicare administration is a very heavy weight indeed on a practice.

One Cedar Rapids physician said of the effect of the Medicare Program on his practice: "You cannot relax. You're constantly feeling there is somebody peering, probing, questioning. It's kind of like having a giant ant that * * * (is) biting you here and there, causing you a great deal of annoyance, and yet you never catch up with it."

I also want to remind my colleagues of the well-documented costs in our health care system that are attributable to administration. Much of the commentary about this focuses on the overhead associated with multiple private insurance payers active in the health care system.

What is not so frequently stressed is that a good deal of the administrative burden which falls on physicians is created by the Medicare Program through payment administration rules or through the quality review program.

I hope it goes without saying that, in a program which spends $100 billion a year, careful administration is absolutely essential. Unfortunately, we have come to a situation of administrative overkill in the program. As the Cedar Rapids Gazette put it:

> * * * The overall impression is the same: They are sick of the Federal Bureaucracy telling them how to practice medicine, requiring more paperwork, and threatening fines or imprisonment in every letter.

What we have to do is try to remove the hassle factor from the system—not the necessary, careful administration, but the red tape overkill which now seems so much a part of the system. We cannot remove the procedures which guard against waste and fraud, and we must continue to insist on careful quality review. But there is just too much bureaucratic busywork and papershuffling in this system.

In 1988-1989, we spent somewhere in the neighborhood of $300 million a year to oversee the quality of care in the Medicare Program, but found confirmed quality problems in only a little more than 2 percent of cases reviewed, and most of these involved incomplete documentation. Physicians have better thins to do with their time than jump through bureaucratic hoops created in Washington. I think physicians should be spending their time in patient care, not paperwork. And I would rather see them take on an additional nurse who

would spend her time in patient care, rather than have to take on an additional administrative person to do Medicare paperwork.

Last year, Senator BAUCUS and I, with some of the same colleagues who join us today, began a modest effort to reduce some of the most offensive hassles burdening physicians by introducing the Medicare Physician Regulation Relief Amendments of 1990.

That legislation contained five provisions. Four of these were included in their original form or in modified versions in the Omnibus Budget Reconciliation Act of 1990—OBRA 90.

These were:

A provision to require that physicians be provided with more complete information on Medicare utilization review policies. OBRA 90 included a provision to study the effects of such a requirement.

A provision to allow professional organizations to appeal payment denials on behalf of an individual or group of physicians. A study of this possibility was included in OBRA 90.

A provision to allow physicians to use reciprocal billing arrangements with colleagues who may care for patients in their absence. This provision was included in OBRA 90 with certain modifications.

A provision establishing a practicing physician advisory group to the Health Care Financing Administration. This provision was included in OBRA 90.

A provision prohibiting Medicare carriers from charging physicians for information needed to comply with Medicare law and regulation. This provision was not included in OBRA 90.

The legislation we are introducing today has eight provisions:

First, it prohibits the Health Care Financing Administration from denying physician claims because Medicare patients fail to complete and return Medicare secondary payer questionnaires.

Current procedure puts the physician completely at the mercy of the patient's completion of such questionnaires in those cases in which a physician sees a patient for the first time. How many of us would want our compensation for a service rendered dependent on the inclination of those to whom we provided the service to fill out a questionnaire?

Second, it requires carriers to document each specific payment error to determine the actual amount recovered from physicians.

Currently, Medicare carriers use a sampling methodology to compute the total amounts a physician might owe the program because of payment errors. This procedure has the potential to considerably overstate the amount that physicians might owe.

Third, it prohibits the Health Care Financing Administration from charging physicians for filing paper claims, claim filing errors, or rejected claims, from charging physicians or patients for the costs of unsuccessful appeals, charging physicians for unique provider identification numbers, or medical review requirements.

These are all things that should be costs of administering the program. As things stand now, the program requires the physician to pay for such things. In reality, of course, the costs ultimately are paid by other payers through cost-shifting.

Fourth, it requires HCFA to consider comments from State medical societies in the annual carrier performance evaluations; to review current indicators of relations between carriers and providers; to modify current items to provide incentives for carriers to reduce the hassle factor.

Presently, there is no real avenue for physician commentary on carrier performance, and carriers are not evaluated by the Health Care Financing Administration on the basis of their relations with physicians. Nor are they provided any incentives to seek to reduce administrative burdens that they impose on them.

Fifth, it would allow individuals to file administrative appeals when carriers have failed to implement Medicare policy properly.

Presently, there is really no recourse if physicians believe that carriers are not appropriately implementing law and regulation. This provision would open up an avenue of appeal in such situations.

Sixth, it requires that all medical necessity denials under the Medicare program be reviewed by appropriately licensed physicians of the same medical specialty as the physician providing the service.

One of the things most troublesome to many physicians, particularly specialists, is that decisions by carriers that certain procedures may not have been medically necessary, are often made by nonphysicians, physicians no longer actively treating patients, or physicians not of the same specialty as the physician providing the service. This provision would correct this state of affairs.

Seventh, it would prohibit peer review precertifications for 10 procedures.

Eighth, it would allow substitute billing for locum tenens physicians.

The Health Care Financing Administration has determined that the current precertification review of 10 specific procedures ends up costing more than it returns in benefits to the program.

The locum tenens provision parallels the reciprocal billing provision which became law through OBRA 90. In this case, it applies not to colleagues who are informally "covering" for another physician, but physicians who have a contractual arrangement through which they provide services to another physician's patients.

Mr. President, eventually we will have to find a better way to administer this program. For the quality review part of the program, I hope that the Committee on Finance will seriously consider implementing reforms along the lines of those suggested in a recent report to Congress by the Institute of Medicine entitled "Medicare, a Strategy for Quality Assurance."

In the meantime, with the introduction of this bill today, we hope to continue the modest progress we began last year with our 1990 Medicare antihassle legislation.●

● Mr. HOLLINGS. Mr. President, I am pleased to join my colleagues today in legislation to continue the effort begun last year with S. 2591 to reverse some of the useless Medicare regulation that has become the trend with HCFA throughout the 1980's. I was pleased to see many of the provisions contained in S. 2591 included in Reconciliation, and we need to keep moving in the direction of eliminating measures that unduly burden physicians and confuse beneficiaries but provide no corresponding improvement in either cost or quality of care.

Let me emphasize, Mr. President, that this is a very modest effort and in most cases does not go nearly as far as most of us would like in reining in HCFA and contractor abuses. We hope only to push a little on behalf of Medicare beneficiaries and providers with the hope that we can keep reimbursement tolerable enough to allow continued access to services. I don't intend to go into all the provisions of this bill, but I would like to focus on one which has generated a lot of angry mail from my State and which demonstrates the point made earlier that this is a very modest bill.

The bill we introduce today would prohibit HCFA from denying physician payments for medically necessary covered services if patients fail to complete questionnaires. Now, we've all seen the recent media coverage decrying Medicare losses due to failure to collect from primary insurance—that is, claims in which Medicare should have been the secondary payor—and HCFA's promises to collect. You can't blame the media for focusing on these large dollar figures being tossed around by the Department, the inspector general, and others. But has anyone questioned whether these figures are correct? Have you seen any media coverage of how this problem occurred, who was at fault, or how it is going to be corrected? I haven't, but I've been forced to look into the matter because of numerous complaints from Medicare beneficiaries, providers, and most recently from businesses—and they're all fed up. From what I've been able to piece together, the data about secondary payors is questionable at best. HCFA furnished the contractors data regarding beneficiaries who had access

to other insurance that should have been primary; by HCFA's own admission, the data was incorrect in many instances. If losses are based on this erroneous data, who know how much loss if any we are chasing? The real travesty here is that those who are responsible for the problem are in a position to make everybody else pay.

Mr. President, I ask that a letter from Benefit Planning Services, Inc., of Spartanburg, SC, which describes in detail an "employee benefit nightmare" be printed in the RECORD at the end of my statement. This letter relates the extremes to which HCFA is going to collect retroactively from private insurance for possible secondary payor claims. This is another instance in which we are driving business away from the very behavior we are attempting to promote. How can we encourage business to offer health insurance benefits to employees on the one hand, and make those which do so regret it on the other? My preference would be to require HCFA to cease immediately this harassment of business, but this modest bill we propose does not do that.

As I understand it, when a claim is submitted by a Medicare provider it is screened through this HCFA information and is rejected if there is a "hit." The contractor issues a questionnaire to the beneficiary soliciting information about other insurance. When the response is received, if there is no primary insuror the claim can be processed. But, the contractor has no authority to correct the base data, so the next claim submitted goes through the same process of rejection, questionnaire, resubmission. During all this time providers and beneficiaries are left holding the bag. A number of irate beneficiaries have told me they have given Medicare the information, Medicare knows that they have no other insurance, and they are so angry they are destroying the questionnaires. If the provider has agreed to accept assignment, the beneficiary has little concern for his pocketbook. Here again we are discouraging on the one hand the very behavior we are encouraging on the other. What incentive is there here for providers to accept assignment? Neither the contractor nor HCFA has any incentive to do it right the first time or to make timely corrections; in fact, the incentives are all in the reverse. The contractor is able to hold onto its funds longer, and, as these are not clean claims, they do not count against the contractor's time limitation for processing. The longer these claims are tied up in processing, the slower the drain on Treasury. Medicare beneficiaries and providers are also concerned about their budgets, and the Federal Government is in a better position to absorb these cash-flow problems than most providers and beneficiaries. It is unfair and unreasonable to deny payment to providers for medically necessary services because beneficiaries are unable or unwilling to keep paying for HCFA errors.

The other provisions contained in this modest bill are equally deserving, and I urge your consideration and hope for the bill's expeditious passage.

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

BENEFIT PLANNING SERVICES, INC.,
Spartanburg, SC, June 6, 1991.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR HOLLINGS: This is an insider tip on an employee benefit nightmare that is about to erupt in business all across the country.

I am writing on behalf of Benefit Planning Services, Inc., a Third Party Administrator (TPA), which represents about 100 employers in five states. They employ approximately 20,000 employees. We design and administer their group health plans. It is estimated that one-third of all U.S. workers are covered by employee benefit plans administered by TPA's. TPA firms operate much like independent CPA or law firms, providing continuing outside claims and plan administration for several client employers and benefit plans. Our clients include every size and type of employment, such as: small business, large corporations, union and association sponsored plans.

My perspective in this letter is based on years of observing the Medicare Secondary Payer program and extends beyond my affiliation with any organization or employer involved.

The purpose of this letter is to convey some of the concerns that employers are expressing about the Health Care Financing Administration's Data Match program which is presently being implemented, and to explain our views and unique problems with the Medicare Secondary Payer (MSP) program, as well as to make recommendations.

What is presently happening to employers under the data match? The Health Care Financing Administration (HCFA) has sent out the first MSP employer questionnaire and is scheduled to begin sending the second one (the long form) this month. HCFA officials have speculated that it will take 40–50 weeks to complete the second mailing. The first questionnaire has not received significant employer opposition, although it has caused some employers anxiety about what will follow.

Benefit Planning Services (BPS) received a draft copy of the second MSP questionnaire along with the instructions. Upon review of the instructions it has become apparent that the time, effort and expense of completing this questionnaire will be a tremendous burden on employers. BPS anticipates that once employers start to receive this form they will desperately seek relief, turning to their Congressmen for help.

EMPLOYER DATA COLLECTION PROBLEMS

The HCFA Data Match assumes employers are guilty until proven innocent. Employers, in many cases, will not be able to defend themselves with adequate documentation since employer information and coverage data dating back to 1983 is not available. While the Data Match coordinates records from 1987, HCFA has the right to seek recovery beginning in 1983. The Data Match questionnaire will provide a list of employees and former employees who worked for an employer during a specified time since 1987 and who incurred claims that triggered Medicare primary payments. The employer is required to check the type of coverage an employee elected during that time period and sign the form underneath a statement saying that the employer certifies the above information.

Employment and coverage data may be fragmented. HCFA seems to operate under the assumption that an employer will have all the information needed to answer the questionnaire. For employers who have contracted with claim processors, the employer may have just the enrollment cards while the claim processors keeps the claim records. Thus, the employer knows who enrolled in the plan but does not know who was covered every day of the year. For example: an employee can enroll and then fail to contribute the employee contribution amount and thereby lose coverage; or, an employee can move from a full-time status to part-time status and lose coverage. In both situations, the employer may not have documentation of these events. While employers are sent bills every month by insurance companies or administrators to fund plans, the bill many times will not include an itemized listing of each participant but just a breakdown (if even that) of the number of employees who have employee-only coverage and family coverage—employers will not know the names of the employees who have dropped out.

Claim processors are equally in the dark. Claim processors who were recently selected by an employer probably will not know the names of participants as they have moved on and off plans since many employers will not have retained this information from 1983. If an employer has remained with the same claim processor since 1983, the chances of having adequate documentation are much better. However, few employers fall in this category.

Even with the combined information from employers and claim processors, accurate certification of HCFA Data Match information will be impossible in many cases due to the inadvertent loss of old enrollment cards. For those employers who have kept enrollment cards, much time and effort will have to be expended in gathering information from various places at large costs to the employer.

1987 employment and coverage data may be trapped on old computer disks that are no longer compatible with a present system. With computer technology improving every year and the constant flow of corporate reorganizations, some employers and claim processors significantly revamp their computer systems yearly. While incompatibility may not be the norm, I have spoken with a few employers who said that 1987 claim data was simply inaccessible.

Recently one of our clients had a request from the HCFA Data Match. Not a simple request or even 2 or 3 requests as HCFA had often suggested would be the maximum on any one employer. This employer had less than three weeks to search files and gather information on 692 employees! You can imagine the expense and manpower this is consuming. The finance and personnel offices have ceased all productive, meaningful work to meet HCFA's request and avoid catastrophic, severe monetary penalties.

TIME AND COST BURDENS

HCFA's average time estimate for employers to complete the questionnaire is three hours—an estimate that demonstrates the lack of understanding HCFA has for em-

ployer data collection problems. Employers are given 30 days to respond to the questionnaire and a toll-free number has been established for employers who need an additional 30 days. If employers can not respond within 60 days, a letter must be sent to the Data Match Contractor requesting more time. Even if employers are able to gather the necessary information, Congress should be concerned about the cost this imposes on business. Retrieving data from inactive files maintained in warehouses can be extremely time consuming and require the labor of numerous employees.

HCFA REQUIRES EMPLOYERS TO CERTIFY DATA: IT'S A TRAP

There is no mention in the Data Match instructions about how employers will be handled if they can not make a good faith effort and certify the data. I recently asked a HCFA staffer if an employer could pay a penalty tax if the data could not be certified; the answer was no. An employer's failure to respond to each employee name listed would result in a subpoena, said the HCFA staffer.

Employers need protection from HCFA in the event information can not be certified.

The situations I have described above (i.e., lost enrollment cards, etc.) are valid reasons for granting some employers relief. If relief is not given, employers will be forced to certify inaccurate data. Once certified, HCFA will use information to seek recoveries and the employer will not be able to dispute the demands made by Medicare for reimbursement. Out of frustation, some employers may feel compelled to check the box on the questionnaire indicating that there is no coverage to avoid recovery activities. CFA has attempted to soft-pedal the legal reality of the certification issue, telling employers that they should do the best job they can with the questionnaire. In fact, the employer is asked to certify that the statements are correct to the best of his knowledge. This is disturbing indeed since whatever the employer certifies will be used in HCFA recovery activities. The information must be verified with accuracy or not at all.

DATA MATCH REPEAL

BPS was originally a supporter of the Data Match in its theoretical stage as we have always been interested in compliance strategies for the MSP laws. However, our latest exposure to the Data Match implementation has caused us to doubt the program's efficacy.

The Data Match was initially passed in OBRA '89 and scheduled to expire on September 30, 1991 for purposes of sending information to employers for verification. The checking of old data was a concern here, but believed to be manageable. Many TPA's and employers had reservations about HCFA's right to a six year period after receiving the data to analyze it and make recovery requests. Since the Data Match employer verification part was extended until September 30, 1995 in OBRA '90, the data collection problems are now considered intolerable.

Paying claims years after an insurance contract has expired can be financially devastating to an employer. Many self-insured plans have a stop-loss reinsurance coverage (i.e., insurance coverage that takes effect after claims reach a certain level) which contain provisions about the timely filing of claims. This is done for bookkeeping reasons and to prevent the potential opening retroactively of all contracts and to limit exposure to fraudulent claims. It basically protects the solvency of the insurance company.

Example: If Medicare discovered an MSP case in 1990 that occurred in 1985, Medicare has until 1996 to seek recovery. A 1996 plan will not be funded to pay claims that occurred in 1985. A small employer could be driven into bankruptcy if forced to pay claims directly out-of-pocket with no stop-loss reinsurance coverage.

BPS now believes the Data Match should be repealed. Alternative or significant changes to the present Data Match should be considered. One approach that warrants careful consideration was introduced by Senator Roth (S. 365). S. 365 amends the W-2 Form by asking a question about employer group health plan coverage and it establishes a data bank to collect this information. While Senator Roth's "Medicare Secondary Payer Reform Act of 1991" deserves consideration, it will not be a panacea.

W-2 FORM REPORTING

BPS recognizes two major drawbacks with the W-2 reporting system. First, it does not account for the fact that Medicare beneficiaries are mobile—a beneficiary may change jobs. Second, it fails to take into account that W-2 Forms may not accurately represent the number of employees employed. A below 20 employer will often appear to have over 20 workers because W-2 Forms are filed for any employee employed at any time during the year. For example: An 18 person employer has three employees leave and replaces them. The employer files W-2 Forms for all 18 of the original employees plus three more W-2 Forms for the employees. The employer appears to the IRS as a 21 person employer covered by MSP "working aged" laws when in fact the employer never had more than 18 workers.

THE SOURCE OF ERRORS

In addition to the W-2 system, BPS believes there needs to be more attention focused at the source of the problem. Were bills sent to the correct payer initially, MSP recovery would not be necessary. The hospital admitting clerks, physician office personnel and Medicare beneficiaries should be better educated about MSP so that their bills can be correctly directed.

Representatives of HCFA testified at a July 1990 hearing before the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs that HCFA has pursued an extensive campaign over the last three years directed at educating State insurance commissioners, insurers, employers and physicians. It was also reported that HCFA has developed a series of radio and television public service announcements designed to raise awareness of Medicare beneficiaries. All these efforts are commendable. However, HCFA's efforts are too little and too late. The "working aged" law took effect in 1983. HCFA has not wanted to listen to solutions or suggestions, and so the avoidable problems have become a crises of their own making.

Despite HCFA's efforts, the losses to the Federal government are still estimated to be as much as $1 billion a year. In some cases, there may be willful intent to avoid payment. In the majority of cases payors have made good faith efforts to comply, but the bills are still not getting to the right payor the first time around.

The Permanent Subcommittee on Investigation staff report prepared for the July 1990 MSP hearing gave insightful reasons why hospitals and physicians have difficulty in routing bills correctly. One of the reasons cited in the report was that Medicare is designed to pay quickly and both hospitals and physicians are concerned about cash flow. Some elderly patients feel they are entitled to Medicare and others are embarrassed to file with their employer plans, according to the report. For these reasons, admitting clerks need to be particularly aggressive in questioning patients about other group health coverage—a difficult task to accomplish with high turnover positions. Ironically, most medical providers charge non-Medicare patients more, so they even have an incentive to bill correctly.

MANY PLAYERS ARE AT FAULT

Let me state here that BPS is in no way attempting to divert your attention solely to the hospitals, providers and beneficiaries. We recognize that the failures of the MSP program cannot be blamed on just a few entities, as many players are involved, including Medicare contractors, private insurance companies, HCFA and Congress. For those who deliberately violate the spirit and the parts of the MSP laws that are clear, justice should be rendered.

Sometimes, however, the complexities of the MSP laws and the lack of guidance make it difficult to distinguish willful violators from unwillful ones. Undoubtedly, if a claim has been sent to a plan and rejected with the intent of having Medicare pay primary and possibly escaping primary payment, the plan should suffer the consequences. However, we find most MSP recovery claims are for charges never originally brought to the plan's attention.

There are grey areas where employers have had to make good faith interpretations of laws that lack sufficient legislative history to predict the final regulations HCFA will issue. I urge you or your staff to scrutinize the MSP statutes and then read the corresponding regulations. You will be surprised at the extent of extrapolation.

The MSP disabled law took effect on January 1, 1987. HCFA issued proposed regulations more than three years later on March 8, 1990 that confused rather than clarified issues. HCFA received many letters requesting clarification in addition to receiving numerous phone calls. HCFA responded to one letter by saying that these issues were under discussion and therefore they could not comment. Phone conversations yielded similar responses. The questions posed were not small technical points but raised substantive issues about the liability of an employer group health plan to pay primary. I know of some employers and clients who live in fear that their understanding of the MSP disabled rules will not coincide with HCFA's eventual regulatory statement. Many professional benefit administrators have taken great effort to read the statute and the proposed regulations, yet remain perplexed.

In response to overwhelming employer opposition, HCFA is presently drafting legislative language to clarify the MSP disabled law. While we are relieved by this development, it can not compensate employers for the lost time and expense in attempting to comply with the proposed rules.

Now I will turn your attention to some of the MSP problems that employers have been battling for years.

PAYING THE SAME CLAIM TWICE

One of the most frustrating tactics in MSP is HCFA's self-proclaimed right to recover from an employer group health plan when the plan has correctly paid primary and Medicare has also paid primary through its own fault but is unable to get its payment back from the beneficiary or provider. In this situation, the plan is required to pay the same claim twice which violates the plan to ERISA fiduciary liabilities.

HCFA uses some twisted logic in the final regulations on this subject. HCFA agrees that an employer group health plan that routinely pays primary benefits on behalf of a Medicare beneficiary without knowledge of Medicare's primary payment has acted responsibly and should not be liable for reimbursing HCFA if HCFA is unable to recover from the party that received the plan's primary payment. Here comes the twist—"However, if a third party pays an entity other than Medicare even though it was, or should have been, aware that Medicare had made a conditional primary payment, the third party must reimburse Medicare." (Wednesday, October 11, 1989, Vol. 54, No. 195, Federal Register, p. 41721). HCFA will tend to answer every plan's protest of ignorance with a "should have been aware" response. How could a plan have known about a claim if the plan was never sent a bill?

Plans are willing to do everything possible to ensure that HCFA knows about a possible MSP situation. BPS believes that plans should not be held responsible for double payment if the plan has notified a Medicare contractor that the employers group health plan has paid primary and Medicare goes ahead and pays primary anyway.

Plans have taken pains to implement procedures to ensure that Medicare does not make a mistaken payment. When claim information suggests a possible MSP situation, some plans respond in the following ways. 1. If a plan receives a hospital bill for a plan participant for whom Medicare should pay secondary but does not get a physician bill which would reflect services performed in the hospital, the plan will call the hospital and ask where the missing bill is. This is very time consuming for plans. 2. If a doctor double-bills (shot-gun duplicate billing is prevalent) and the plan knows that Medicare has already paid primary, plans will write to Medicare contractors and offer to repay Medicare directly if Medicare sends adequate claim documentation.

THE UNKNOWN CLAIM

While steps—such as documentation claims and notifying Medicare—can be taken to defend the plan that paid primary on one claim but didn't receive other related claims, there is no defense against the existence of unknown claims. According to HCFA, a plan is only off the hook if the plan has done everything possible to ensure that Medicare is not the secondary payer. Yet, if the plan receives no clue of a missing claim, then no investigation can be initiated. Plans will go to the limit when claim information suggests a possible MSP situation to ensure that a claim has been paid correctly the first time as it is too expensive to reopen a case. It is in the interest of the plan to do this. No one wants a claims to surface after stop-loss reinsurance coverage has expired.

The annual penalty tax under IRC section 5000—25% an employer's group health plan expenses—seems unjustified in the event of an unknown claim. Employers are being penalized for something they never knew about.

THIRD PARTY ADMINISTRATORS ARE NOT INSURANCE COMPANIES

HCFA has refused to recognize the fundamental difference between a Third Party Administrator and a Third Party Payor. A Third Party Payor, such as an insurance company, pays the claims from its own assets and shares in the risk of funding an employee benefit plan, while also profiting from plan savings. On the other hand, a Third Party Administrator (TPA) is just a service provider, like a law firm or CPA firm. The corporate assets of a TPA will not increase if a TPA pays out fewer claims, unlike an insurance company's assets in case of a full-insured plan. The Third Party Administrator is an agent of the employer hired primarily to process claims.

In the October 11, 1989 HCFA final regulations, TPAs are named repeatedly as liable entities, along with insurers, underwriters and employers. The regulations note that after Medicare recovers directly from a TPA it is appropriate for the TPA to seek whatever recourse is available to it under its contract. In so doing, HCFA openly acknowledges that TPAs are not ultimately responsible for payment. HCFA seems to want it both ways to facilitate recovery activities. If HCFA can't get the money from one source, they reserve the right to go after another even though that entity is not ultimately responsible for payment.

TWO COURTS HAVE AGREED WITH THESE ARGUMENTS

In United States of America vs. Blue Cross and Blue Shield of Michigan, the court held that the United States' right to recover primary payments "is directed at those who are responsible to actually make the payments, i.e., the self-insured employer plan itself, and not those who merely undertake to administer the payment process." In United States of America vs. Provident Life and Accident Insurance Co., the court held that the United States could not recover from the insurer where the insurer was just administering the plan. HCFA is acting exactly contrary to clear judicial decisions.

RECOMMENDATIONS

While Senator Roth's "Medicare Secondary Payer Reform Act of 1991" is a step in the right direction, additional steps need to be taken immediately.

BPS' recommendations are in agreement with most of the suggestions made in the staff report prepared by the Permanent Subcommittee on Investigations and some of the suggestions made by Michael Mangano, Office of Inspector General, Department of Health and Human Services before the Subcommittee on Oversight, Committee on Ways and Means on February 26, 1991.

1. The OBRA '89 Data Match should be repealed. This "pay and chase" approach is far too burdensome on employers, TPAs, insurers, providers and beneficiaries.

2. Hospitals and physicians need to improve the accuracy of data collected from patients. HCFA should be adequately funded so that it can sufficiently train these personnel and enforce the requirements.

3. Pre-claim development should be a priority. Medicare contractors should be adequately funded to enable them to research the accuracy of claims before distributing Medicare payments.

In summary, this MSP process is counterproductive and strongly resented by employers. These employers are fighting to show a profit in these recessionary times. We ask for your help and support. Government policies over time have been varied and conflicting, without any coordination. This new administrative nightmare will force many employers out of business or worse, force them to cancel their employee benefit programs. This in turn will put even more employees and citizens in a situation where they have no health coverage, thus joining the growing number without any type of health benefits.

We ask for your support in relieving employees of all sizes of this irrational and expensive burden. This will ensure they can return to concentrating on productivity rather than transferring funds to financing "search" expeditions for the HCFA.

Best Personal Regards,

J. THOMAS LIGHT.●

● Mr. HARKIN. Mr. President, I rise today to join my colleagues Senators BAUCUS, GRASSLEY, SYMMS, SHELBY, and HOLLINGS in introducing the Medicare Physician Regulatory Relief Amendments of 1991. I want to commend my colleagues, especially Senators BAUCUS and GRASSLEY, for their efforts to bring this legislation forward.

Last year I spoke with Dr. John Ebensberger of Greene, IA. He was the town's only doctor and was giving up dealing with the Medicare Program. He told me that he wanted to stay with Medicare because there were so many older residents of the town that depended on it, but that he simply couldn't put up with the redtape and hassle any more. In Cedar Rapids, IA, most doctors aren't accepting any new Medicare patients due to low pay and excessive paperwork. My health advisory group, many of whom are practicing physicians in Iowa, has reported similar problems in other areas of the State. In fact, all around my State and around the Nation, senior citizens and people with disabilities who rely on Medicare for their health insurance, are having their care threatened by the rising tide of unnecessary redtape in Medicare.

Over the past several years, there has been a dramatic increase in paperwork in the Medicare and Medicaid Programs. Doctors, hospitals, nurses, administrators and other health professionals are spending more and more of their time filling out paperwork and responding to requests for information. The result is that they have less and less time to spend actually providing health care.

Appropriate safeguards and standards are essential to ensure the fiscal integrity of the program and assure high quality care, but these standards must be administered efficiently and effectively. Proper administration would lower paperwork, increase health care quality and reduce health care costs.

As chairman of the Senate Appropriations Subcommittee on Health and Human Services, which funds the administration of Medicare, I have been working to reduce unnecessary redtape in this program. In the fiscal year 1991 appropriations report, my subcommittee called upon the Administrator of the Health Care Financing Administration to work to streamline their regulatory process and to and reduce unnecessary redtape. They have begun this process by establishing a working group of physicians to review regulatory requirements.

But more needs to be done and the bill we are introducing today will do much to improve the conditions facing

doctors, especially those in rural areas. The bill would further reduce bloated redtape and improper bureaucratic administration in the Medicare Program and allow doctors to spend more of their time providing care to older Americans. It would also require that Medicare denials of payment be reviewed by practicing doctors of the same specialty as the physician providing the care in question.

Mr. President, I hope that we will move promptly this year to assure that older Americans and Americans with disabilities have access to quality care and to put more of our health care dollars into health care rather than paperwork.•

By Mr. SASSER (for himself, Mr. JOHNSTON, Mr. HATCH, Mr. DASCHLE, Mr. PRESSLER, Mr. PRYOR, Mr. D'AMATO, Mr. HOLLINGS, AND Mr. LEVIN):

S. 1333. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make available for humanitarian relief purposes any nonlethal surplus property, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL USED PROPERTY FOR HUMANITARIAN RELIEF ACT

• Mr. SASSER. Mr. President, today I rise to introduce the Federal Used Property for Humanitarian Relief Act of 1991. The bill, which is virtually identical to legislation I introduced during the 101st Congress, is cosponsored by Senators JOHNSTON, HATCH, DASCHLE, PRYOR, HOLLINGS, D'AMATO, PRESSLER, and LEVIN.

This legislation is intended to end the unfair preferential treatment given to foreign nations by the U.S. Government in the distribution of surplus Federal property. Currently, Mr. President, the Secretary of Defense has the authority to transfer excess Department of Defense property to the State Department for distribution to other countries under the auspicies of the Humanitarian Assistance Program. My bill would clarify that much of this property, which is all taxpayer-financed, should first be made available to States as well as Federal agencies and States through the General Services Administration [GSA] donation program, before it is given away free of charge to foreign governments.

The Humanitarian Assistance Program was created pursuant to an amendment to the fiscal year 1986 Defense appropriations bill. The original intent of the program was to help supply Afghan and Cambodian refugees and resistance groups with limited categories of Federal surplus property. Some of these items included boots, parkas, clothing items, medical supplies, and communication equipment. However, as the focus of the program expanded to a larger number of developing nations, and now to Eastern Europe and even the Soviet Union, the scope of excess property sought for the Humanitarian Assistance Program has also expanded. Over the past 2 years there has been an increasing emphasis on heavy-duty equipment, including bulldozers, tractors, roadgraders, cranes, backhoes, front loaders, dump trucks, and other equipment, which, before 1986, had been traditionally sought by States through the GSA donation program. In fact, approximately $60 million in Department of Defense excess property was acquired by the Humanitarian Assistance Program from 1986 to the present, with steady and substantial increases occurring each year.

I believe that the Humanitarian Assistance Program has far outgrown its original purpose. The program was designed to meet an immediate need in strife-torn developing countries. But it has since expanded to become a full-fledged foreign assistance program. It provides free to foreign nations valuable surplus construction and engineering equipment paid for by American taxpayers and greatly needed by financially strapped State and local governments.

Each State has an agency for surplus property that is responsible for screening available property and distributing it to various local government entities. In my home State of Tennessee, the State Division of Property Utilization has been able to obtain, for county and city road departments, heavy construction equipment through the GSA donation program. The cost of this equipment was substantially lower than if purchased new. In fact, in one county, the superintendent of highways paid $30,000 for a pan-scraper that would have cost $250,000 new. These State agencies are not only saving taxpayers money, but are providing invaluable source of inexpensive, surplus Federal equipment that greatly benefits thousands of local communities across the country.

Mr. President, the legislation I am proposing today with bipartisan cosponsorship affords us a real opportunity to enable State and local communities to provide vital infrastructure improvements and other Government services. The value of some of this excess surplus property is staggering. My colleagues need only ask their respective State surplus agencies to find out what a difference this surplus equipment can make. I hope they will do so, and that they will choose to cosponsor and support this important initiative.

By Mr. FOWLER:

S. 1334. A bill to provide for the full recovery of the Federal Government's costs of selling timber on national forest lands, to require site-specific identification of national forest lands that are not economically suitable for timber harvesting, to remove that land from the suitable timber base and make associated adjustments in the allowable sale quality, to assist in the economic transition of timber dependent communities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL FOREST TIMBER SALES COST RECOVERY ACT

• Mr. FOWLER. Mr. President, as chairman of the Subcommittee on Conservation and Forestry, I have held hearing after hearing to unveil a cloud of confusion that has cost the taxpayers of this country more than $2 billion in the last decade.

I am speaking, Mr. President, about the below-cost timber sales made from our national forests. Each year, this abdominal timber program requires direct appropriations from Congress to stay afloat, contributing to our budget deficit, while compromising the ecological integrity of our forests. Below-cost sales are an economic and environmental travesty.

In keeping with its timber-driven motivation, the Forest Service has gone out of its way to justify this program, claiming outlandish benefits and ignoring significant costs. But in a hearing I held earlier this year, the Forest Service acknowledged that instead of returning $660 million to the Treasury—as claimed in their timber sales program report in February—the agency actually turned in a little more than $5 million.

A case can be made for some public lands logging benefits—and no one has suggested that timber operations cease entirely in our national forest. But the fact remains, as many as 101 of 122 administrative forests lost money on their timber sales in 1990. These operations benefit a bloated Forest Service timber bureaucracy—and practically no one else.

The below-cost forests, considered by themselves, lost $350 million for the taxpayers last year. That is an absurdity that ought to stop. I will guarantee we will never miss the mountainside clearcuts or the $200 million logging road budgets that support this boondoggle. We can save money, woods, and wildlife at the same time.

Mr. President, today, in the 100th year anniversary of our national forest system, I am introducing the National Forest Timber Sales Cost Recovery Act of 1991.

This legislation does not shackle the arms and legs of the U.S. Forest Service as some will undoubteldly claim. It will not—I repeat, will not—end timber sales from our national forests.

This legislation simply applies a guideline I believe most Americans will find quite pragmatic—prudence. With the enactment of this legislation, national forests timber may be sold only where cash returns to the U.S. Treas-

ury from timber sales are adequate to cover the cost to the Treasury of growing and selling timber. This will establish a timber program that—at the very least—recovers the Government's full costs of selling timber.

These below-cost sales will be alleviated over 5 years in order to allow the Forest Service sufficient time to reorient its approach to timber sales.

This legislation also addresses a second critical element in reformulating our forest policies: Easing the transition of communities that have become dependent on the current wasteful Federal timber program.

The logging jobs created are the only real benefit of this program. Yet, they are not enough to justify the millions of dollars down the drain, or the ecological costs of inflated timber targets. Sustainable uses like recreation offer greater long-term benefits for most forest communities. Still, we cannot remain blind to the plight of workers who will inevitably be displaced by changing times.

That is why my bill will authorize funding for certified local community development organizations to plan and implement a wide variety of educational and employment training programs, and to reach out to new industries. Displaced workers would also be eligible for low-interest housing and new business loans. It is my hope and belief that many of these workers can remain in the industry to the extent that they can continue to work in and make their living off the forest.

The demands on our forests have never been greater. Simultaneously, the demands on this country's financial resources have never seen the likes of today. As we celebrate the 100th anniversary of our national forest system, let us recognize these constraints and set in place the foundation necessary for the U.S. Forest Service to meet the challenges of the 21st century.●

By Mr. CRANSTON (for himself and Mr. PELL):

S.J. Res. 165. Joint resolution to prohibit the proposed sale to the United Arab Emirates of AH-64 Apache attack helicopters; to the Committee on Foreign Relations.

PROHIBITING THE PROPOSED SALE OF AH-64 APACHE ATTACK HELICOPTERS

Mr. CRANSTON. Mr. President, in the aftermath of the Persian Gulf war, it has become fashionable in Washington circles to express support for halting the proliferation of arms in the Middle East. Proposals and good intentions abound, but the administration is already failing to demonstrate a real commitment to stemming the flow of sophisticated weapons and weapons technology to the region.

Last week, Congress was formally notified that the administration plans to sell 20 AH-64 Apache attack helicopters, 620 Hellfire missiles and related equipment, and spare parts to the United Arab Emirates. Together with training their personnel, the estimated cost will come to $682 million.

It is not clear to me why the UAE needs these sophisticated weapons. The Apache is the most advanced attack helicopter we have. The unclassified justification which accompanied the sale is not very helpful. It says:

> This sale is consistent with the stated U.S. policy of assisting friendly nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services.

Will these weapons be sufficient to enable the Emirates to defend themselves if attacked? Or will the United States again have to send troops over there to do the fighting regardless of how much arms we send them? The UAE's military is relatively insignificant. Even if one considers the UAE's Armed Forces as part of the combined forces of the Gulf Cooperation Council states, this fighting force would not have been enough to defeat Saddam Hussein at the height of his power.

It will take more than helicopters to make the UAE or the Gulf states self-sufficient. How much more gives meaning to the cliche "spiraling arms race." It is my understanding that the UAE would like M1-A1 tanks and Bradley armored fighting vehicles in addition to these helicopters. This sale may be the tip of the iceberg of arms sales to the UAE, and other Gulf nations. Before we move forward on these sales, we need a better understanding of how these sales fit into long-term U.S. strategy for the region—if in fact we have a strategy. I am not ready to approve this sale if it means we are making a commitment to build up the militaries of the nations in the Persian Gulf.

Of even greater interest to me is the issue of threat perception: Exactly who does the UAE need to defend itself against? Where is the threat to the UAE? I find it hard to imagine that anyone will attack this Gulf state nestled between Saudi Arabia and Oman. Not Saddam Hussein. Presumably, we took care of the Iraqi military already.

Finally, I am troubled that at a time the administration has indicated its commitment to peace in the Middle East, selling offensive weapons to an Arab nation that still has not made peace with Israel will hurt, not help, the peace process. Selling arms to the Arabs while pressuring Israel to make concessions is no way to reassure our Israeli ally and advance the peace process.

Mr. President, I rise today to introduce a resolution of disapproval to this proposed sale of attack helicopters and Hellfire missiles to the United Arab Emirates.

Paying lip service to arms control initiatives is not enough. The arms bazaar is open and the customers are lining up. This arms sale comes just days after the administration has called on the major arms suppliers to restrain arms traffic in the Middle East. It is time for our Government to demonstrate real leadership. If we cannot restrain our own arms sales impulses, what message are we sending to the world's major arms suppliers? Have not we learned the lesson that "do as I say and not as I do" will lead us nowhere quickly?

Mr. President, I urge my colleagues to support this joint resolution of disapproval. The companion legislation was introduced in the House last week with 11 cosponsors. Let us end the new arms race in the Middle East before it begins. Let us stop this new round of arms sales now.

ADDITIONAL SPONSORS

S. 10

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 193

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 193, a bill to provide for the restoration of certain Medicare catastrophic benefits, plus addition of colon cancer screening benefit.

S. 239

At the request of Mr. SARBANES, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 238, 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. SASSER, the name of the Senator from Montana [Mr. BURNS]. 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 nondeposit liabilities in the deposit insurance assessment base, to require to 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. 401

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individual.

S. 446

At the request of Mr. BAUCUS, the name of the Senator from Colorado [1Mr. WIRTH] was added as a cosponsor of S. 446, a bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions.

S. 448

At the request of Mr. SYMMS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 474

At the request of Mr. DECONCINI, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 474, a bill to prohibit sports gambling under State law.

S. 480

At the request of Mrs. KASSEBAUM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 480, a bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes.

S. 651

At the request of Mr. GARN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 781

At the request of Mr. SARBANES, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Carolina [Mr. SANFORD], the Senator from Florida [Mr. MACK], and the Senator from Maryland [Ms. MIKULSKI], were added as cosponsors of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 816

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 816, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering.

S. 821

At the request of Mr. LIEBERMAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 821, a bill to establish the Silvio Conte National Fish and Wildlife Refuge.

S. 866

At the request of Mr. BREAUX, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 882

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 882, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications.

S. 884

At the request of Mr. PACKWOOD, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Oregon [Mr. HATFIELD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale drift net fishing.

S. 914

At the request of Mr. GLENN, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from New Jersey [Mr. BRADLEY] 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 processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 922

At the request of Mr. DASCHLE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 922, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by electric utilities to customers to subsidize the cost of energy conservation services and measures.

S. 934

At the request of Mr. BUMPERS, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 934, a bill to amend the Internal Revenue Code of 1986 to increase to 50 percent and extend for 1 year the deduction for health insurance for self-employed individuals.

S. 985

At the request of Mr. SIMON, the names of the Senator from Washington [Mr. ADAMS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from California, [Mr. CRANSTON], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Oregon [Mr. HATFIELD], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Vermont [Mr. LEAHY], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 985, a bill to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region.

S. 1008

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1008, a bill to require State agencies to register all offenders convicted of any acts involving child abuse with the National Crime Information Center of the Department of Justice.

S. 1102

At the request of Mr. MOYNIHAN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to provide coverage of qualified mental health professionals services furnished in community mental health centers.

S. 1106

At the request of Mr. HARKIN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1106, a bill to amend the Individuals With Disabilities Education Act to strengthen such act, and for other purposes.

S. 1156

At the request of Mr. PACKWOOD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1156, a bill to provide for the protection and management of certain areas on public domain lands managed by the Bureau of Land Management and lands withdrawn from the public domain managed by the Forest Service in the States of California, Oregon, and Washington; to ensure proper conservation of the natural resources of such lands, including enhancement of habitat; to

provide assistance to communities and individuals affected by management decisions on such lands; to facilitate the implementation of land management plans for such public domain lands and Federal lands elsewhere; and for other purposes.

S. 1176

At the request of Mr. DECONCINI, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1176, a bill to establish the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and for other purposes.

S. 1245

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1249

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. DURENBERGER] 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. 1281

At the request of Mr. RIEGLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1281, a bill to provide for immediate delivery of U.S. Savings Bonds available to the public at the point of purchase.

S. 1301

At the request of Mr. CRAIG, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1301, a bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children, and for other purposes.

S. 1313

At the request of Mr. BIDEN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1313, a bill to improve crime and drug control in rural areas, and for other purposes.

SENATE JOINT RESOLUTION 142

At the request of Mr. SHELBY, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Maryland [Mr. SARBANES], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Virginia [Mr. ROBB], the Senator from New Jersey [Mr. BRADLEY], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Indiana [Mr. COATS], the Senator from Kansas [Mr. DOLE], the Senator from Wisconsin [Mr. KASTEN], and the Senator from California [Mr. CRANSTON] 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 151

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 151, a joint resolution to designate October 6, 1991, and October 6, 1992, as "German-American Day."

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week."

SENATE RESOLUTION 116

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Resolution 116, a resolution to express the sense of the Senate in support of Taiwan's membership in the General Agreement on Tariffs and Trade.

AMENDMENTS SUBMITTED

SURFACE TRANSPORTATION EFFICIENCY ACT

LOTT AMENDMENT NO. 358

Mr. LOTT proposed an amendment to the bill (S. 1204) to amend title 23, United States Code, and for other purposes; as follows:

On page 5, line 4, insert "purusant to section 144 of title 23, United States Code" after "gram".

On page 5, line 11, insert "pursuant to section 119 of title 23, United States Code" after "Highways".

On page 28, stike out lines 2 through 25.

On page 29, line 1, strike out "(c)" and insert in lieu thereof "(a)".

On page 29, line 8, strike out "(d)" and insert in lieu thereof "(b)".

On page 29, line 11, strike out "(e)" and insert in lieu thereof "(c)".

On page 29, line 21, strike out "(f)" and insert in lieu thereof "(d)".

Beginning on page 30, strike out line 20 and all that follows through line 4 on page 35.

MACK (AND OTHERS) AMENDMENT NO. 359

Mr. MACK (for himself, Mr. GRAHAM, Mr. SANFORD, and Mr. HELMS) proposed an amendment to the bill S. 1204, supra, as follows:

On page 22, after line 21, insert the following: "*Provided*, That the Secretary shall use estimates prepared by the Secretary of Commerce to determine the population figures of the individuals states of the fiscal years 1987, 1988, 1989, 1990, and 1991: *And provided further*, That those estimates shall be used to distribute apportionments under this section".

MOYNIHAN (AND SYMMS) AMENDMENT NO. 360

Mr. MOYNIHAN (for himself and Mr. SYMMS) 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 POLICY FOR INFRASTRUCTURE REUSE.

(a)(1) STUDY AND REPORT.—(1) Section 307 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) Not later than 12 months after the date of the enactment of the Surface Transportation Efficiency Act of 1991, the Secretary shall conduct a study of methods of facilitating the reuse of industrial manufacturing facilities.

"(2) In conducting the study described in paragraph (1), the Secretary shall consult with the heads of such departments and agencies of the Federal Government as the Secretary determines to be appropriate to ascertain regulatory, technical and other problems or constraints associated with the reuse of industrial manufacturing facilities.

"(3) Upon completion of the study described in paragraph (1), the Secretary shall submit a report to the appropriate committees of Congress on the findings of the study, including a summary of any information submitted to the Secretary by the head of a department or agency pursuant to paragraph (2).

"(4) For fiscal year 1992, an amount not to exceed $200,000 shall be taken out of the administration and research funds authorized by section 104 of this title for the purpose of carrying out the provisions of this subsection.".

(2) Section 104 of title 23, United States Code, is amended by striking "authorized by subsections (a) and (b) of section 307" and inserting "authorized by subsections (a), (b), and (g) of section 307".

On page 49, lines 18 through 25, strike "All provisions" and everything that follows and insert in lieu thereof "Sums".

On page 37 of the bill, at the end of section 111, add the following new subsection:

"(e) INDIAN RESERVATION ROADS.—Notwithstanding any other provision of law, funds allocated for Indian reservation roads may be used for the purpose of funding road projects on roads of tribally controlled postsecondary vocational institutions.".

At page 25, line 13 add a new paragraph (4) as follows:

"(4) pursuant to this subsection projects which research, develop and test technologies to control highway related emissions which contribute to the nonattainment of any ambient air quality standard or the impairment of visibility within an urbanized area within the state shall be deemed to be eligible projects."

At page 57, line 7 add a new paragraph (6) as follows:

"(6)(a) The Secretary in cooperation with other appropriate federal agencies, the Governors of Arizona, California, New Mexico and Texas, and the appropriate representatives of the Republic of Mexico, shall assess the need for transportation infrastructure to facilitate trade between the United States

and Mexico. Within 18 months following the date of the enactment of this Act, the Secretary shall report to Congress and the Governors of Arizona, California, New Mexico and Texas on such transportation infrastructure needs and the associated costs."

(b) The Secretary in cooperation with other appropriate federal agencies, the Governors of Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, Washington, and Alaska and the appropriate representatives from Canada, shall assess the need for transportation infrastructure to facilitate trade between the United States and Canada. Within 18 months following the date of the enactment of this Act the Secretary shall report to Congress and the Governors of Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, Washington, and Alaska on such transportation infrastructure needs and the associated costs.

On page 19, between lines 17 and 18, insert the following:

"(c) For purposes of paragraph (1)(A)(i) and paragraph (6) of subsection (b), the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 22, between lines 21 and 22, insert the following:

"(D) For purposes of subparagraph (C), the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 26, line 3, before the period insert the following: ": *Provided further*, That the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 51, between lines 15 and 16, insert the following:

"(h) For purposes of subsections (b) and (e), the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

On page 77, line 2, before the quotation marks, insert the following: "For purposes of this subsection, the Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

Insert at the appropriate place in title I:

SEC. . DECLARATION OF NONNAVIGABILITY OF PORTION OF HUDSON RIVER, NEW YORK

(a) DECLARATION OF NONNAVIGABILITY.—

(1) IN GENERAL.—Subjection to subsections (b), (c) and (d), the area described in paragraph (2) is declared to be nonnavigable waters of the United States.

(2) AREA DESCRIBED.—The area referred to in paragraph (1) is the portion of the Hudson River, New York, described as follows (according to coordinates and bearings in the system used on the Borough Survey, Borough President's Office, New York, New York).

Beginning at a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, having a coordinate of north 1918,003 west 9806,753:

(1) Running thence easterly, on the arc of a circle curving to the left, whose radial line bears north 3°-44′-20″ east, having a radius of 390.00 feet and a central angle of 22°-05′-50″, 150.41 feet to a point of tangency;

(2) Thence north 71°-38′-30″ east, 42.70 feet;

(3) Thence south 11°-05′-40″ east, 33.45 feet;

(4) Thence south 78°-54′-20″ west, 0.50 feet;

(5) Thence south 11°-05′-40″ east, 2.50 feet;

(6) Thence north 78°-54′-20″ east, 0.50, feet;

(7) Thence south 11°-05′-40″ east, 42.40 feet to a point of curvature;

(8) Thence southerly, on the arc of a circle curving to the right, having a radius of 220.00 feet and a central angle of 18°-37′-40″, 83.85 feet to a point of compound curvature;

(9) Thence still southerly, on the arc of a circle curving to the right, having a radius of 150.00 feet and a central angle of 38°-39′-00″, 101.19 feet to another point of compound curvature;

(10) Thence westerly, on the arc of a circle curving to the right, having a radius of 172.05 feet and a central angle of 32°-32′-03″, 97.89 feet to a point of curve intersection;

(11) Thence south 13°-16′-57″ east, 50.86 feet to a point of curve intersection;

(12) Thence westerly, on the arc of a circle curving to the left, whose radial bears north 13°-16′-57″ west, having a radius of 6.00 feet and a central angle of 180°-32′-31″, 18.91 feet to a point of curve intersection;

(13) Thence southerly, on the arc of a circle curving to the left, whose radial line bears north 75°-37′-11″ east, having a radius of 313.40 feet and a central angle of 4°-55′-26″, 26.93 feet to a point of curve intersection;

(14) Thence south 70°-41′-48″ west, 36.60 feet;

(15) Thence north 13°-45′-00″ west, 42.87 feet;

(16) Thence south 76°-15′-00″ west, 15.00 feet;

(17) Thence south 13°-45′-00″ east, 44.33 feet;

(18) Thence south 70°-41′-45″ west, 128.09 feet to a point in the United States Pierhead Line approved by the Secretary of War, 1936;

(19) Thence north 63°-08′-48″ west, along the United States Pierhead Line approved by the Secretary of War, 1936, 114.45 feet to an angle point therein;

(20) Thence north 81°-08′-00″ west, still along the United States Pierhead Line approved by the Secretary of War, 1936, 202.53 feet;

The following three courses being along the lines of George Sollan Park as shown on map prepared by the city of New York, adopted by the Board of Estimate, November 13, 1981, Acc. N° 30071 and lines of property leased to Battery Park City Authority and B.P.C. Development Corp.

(21) Thence north 77°-35′-20″ east, 231.35 feet;

(22) Thence north 12°-24′-40″ west, 33.82 feet;

(23) Thence north 54°-49′-00″ east, 171.52 feet to a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941;

(24) Thence north 12°-24′-40″ west, along the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, 62.28 feet to the point or place of beginning.

(b) DETERMINATION OF PUBLIC INTEREST.—The declaration made in subsection (a)(1) shall not take effect if the Secretary of the Army (acting through the Chief of Engineers), using reasonable descretion, finds—

(1) before the date which is 120 days after the date of the submission to the Secretary of appropriate plans for the proposed project, and

(2) after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed project is not in the public interest.

(c) LIMITATION ON APPLICABILITY OF DECLARATION.—

(1) AFFECTED AREA.—The declaration made in subsection (a)(1) shall apply only to those portions of the area described in subsection (a)(2) which are or will be occupied by permanent structures (including docking facilities) comprising the proposed project.

(2) APPLICATION OF OTHER LAWS.—Notwithstanding subsection (a)(1), all activities conducted in the area described in subsection (a)(2) are subject to all Federal statutes and regulations which may otherwise be applicable to such activities, including as may be applicable.

(A) sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), commonly known as the River and Harbors Appropriation Act of 1899,

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1254), and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—The declaration made in subsection (a)(1) shall expire—

(1) on the date which is 6 years after the date of enactment of this Act if work on the proposed project to be performed in the area described in subsection (a)(2) is not commenced before that date, and

(2) on the date which is 20 years after the date of the enactment of this Act, for any portion of the area described in subsection (a)(2) which on that date is not bulkheaded, filled, or occupied by a permanent structure (including docking facilities).

(e) PROPOSED PROJECT DEFINED.—For purposes of this section, the term "proposed project" means any project for the rehabilitation and development of—

(1) the structure located in the area described in subsection (a)(2) and commonly referred to as Pier A; and

(2) the area surrounding that structure.

On page 162, add after line 9 the following new part:

PART D—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

SEC. 161. RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION.

Section 213(c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) is amended by inserting "and the Rural Electrification Administration" after "Tennessee Valley Authority".

On page 3, insert immediately after the matter before line 1 the following:

PART D—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

Sec. 161. Relocation assistance regulations relating to the Rural Electrification Administration.

DOLE (AND MITCHELL) AMENDMENT NO. 361

Mr. SYMMS (for Mr. DOLE, for himself and Mr. MITCHELL) proposed an amendment to the bill S. 1204, supra, as follows:

At the appropriate place, add the following:

It is the sense of the Senate that the conferees on this bill should consider section 159 of title 23, United States Code, as it appears in amendment No. 295 as amended so as to determine each State's total apportionments under section 159 of title 23, United States Code, in a way that reflects each State's total effort for highways as described in amendment No. 334, and including each State's ability to finance its total effort for

highways, as measured by its per capita disposable income as compared to the average State per capita disposable income, as well as taking into account the effect of such apportionment formula on energy conservation, energy security, and environmental quality.

GRAHAM AMENDMENT NOS. 362 THROUGH 364

Mr. GRAHAM proposed three amendments to the bill S. 1204, supra, as follows:

AMENDMENT NO. 362

On page 8, line 21, strike "$15,940,000,000" and insert "$16,721,000,000".

On page 8, line 22, strike "$16,840,000,000" and insert "$18,726,000,000".

On page 8, line 23, strike "$18,410,000,000" and insert "$20,687,000,000".

On page 8, line 24, strike "$20,190,000,000" and insert "$23,467,000,000".

AMENDMENT NO. 363

On page 6 of Amendment No. 295 (as amended), on line 8, in section (d)(1)(A), strike the words "other than" and insert instead "including".

AMENDMENT NO. 364

SEC. 106. SURFACE TRANSPORTATION PROGRAM

Strike lines 14 through 25, page 23, and insert:

Transportation Program funds"; and by striking "75" in two places and inserting instead "80".

SEC. 108. BRIDGE PROGRAM.

Insert a period after "80 per centum" on line 5, page 28 and strike the remainder of lines 5 through 25, page 28.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled a hearing to receive testimony on the expanding burdens placed upon small business concerns by Government-sponsored paperwork and information collection requirements. More specifically, the committee will again be reviewing the protections afforded small business concerns by the Paperwork Reduction Act of 1980. The hearing is scheduled for Tuesday, June 25, 1991, commencing at 9:30 a.m. It is to be held in the committee's hearing room, SR-428A.

Witnesses from the small business community are expected to include representatives of the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], and National Small Business United [NSBU] as well as the Small Business Council of the U.S. Chamber of Commerce and the Smaller Manufacturers Council of the National Association of Manufacturers.

The committee intends to transmit the record of this hearing and subsequent hearings, as it did in 1989, to the Committee on Governmental Affairs, to assist the committee of legislative jurisdiction in any forthcoming deliberations of pending legislation to specifically reauthorize appropriations for the Office of Information and Regulatory Affairs within OMB and making substantive amendments to the Paperwork Reduction Act.

Further information concerning the Small Business Committee's hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on June 19, 1991, beginning at 9 a.m., in 485 Russell Senate Office Building, on the National Native American Advisory Commission.

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

SPECIAL COMMITTEE ON AGING

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, June 19, 1991, at 9 a.m. to hold a hearing on the ethics of health care rationing.

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

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Energy Regulation and Conservation of the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., June 19, 1991, to receive testimony concerning S. 933, the Natural Gas Ratepayers Relief Act of 1991.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 19, 1991, at 9:30 a.m., in SDG-50, and again at 1:30 p.m., in SR-332, to hold a hearing on dairy supply management options.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 19, 1991, at 2 p.m., to hold a closed hearing on intelligence matters.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRANSTON. 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 19, 1991, at 10 a.m. on the Department of Commerce technology programs.

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

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the National Ocean Policy Study be authorized to meet during the session of the Senate on June 19, 1991, at 10 a.m. on S. 49, Oceans and Coastal Resources Enhancement Act.

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

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, June 19, 1991, at 10 a.m., to conduct a hearing on real estate asset disposition activities of the RTC.

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

SUBCOMMITTEE ON GOVERNMENT INFORMATION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation be authorized to meet on Wednesday, June 19, 1991, at 1:30 p.m., on the subject: The census adjustment.

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

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, June 19, 1991, at 2 p.m., to hold a markup on S. 580, a bill to amend title 11 of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons, S. 653, a bill to prohibit injunctive relief, or an award of costs, including attorney's fees, against a judicial officer for action taken in a judicial capacity, S. 826, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes, S. 862, a bill to provide for a demonstration program for voir dire examination in certain criminal cases, and for other purposes, S. 863, a bill to amend the Federal rules of civil procedure with respect to the examination of prospective jurors, S. 864, a bill to amend the Federal rules of criminal procedure with respect to the

examination of prospective jurors and S. 865, a bill to provide for a demonstration program for voir dire examination in certain civil cases, and for other purposes.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 19, at 10 a.m. to hold a hearing on the Soviet crisis and the United State interest, future of the Soviet economy.

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

COMMITTEE ON FINANCE

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 19, 1991, at 10 a.m. to hold a hearing on the President's recommendation that China continue to receive most-favored-nation trade status.

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

SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation be authorized to meet on Wednesday, June 19, 1991, at 1:30 p.m., on the subject: the census adjustment.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, June 19, at 9:30 a.m., for a hearing on the subject: EPA's environmental protection policy—"forceless enforcement."

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

ADDITIONAL STATEMENTS

NEED A LIFT?

• Mr. STEVENS. Mr. President, in an effort to help the young people of this country, the American Legion has published its 40th edition of "Need a Lift?" It is one of the best informational handbooks I have seen on educational opportunities for scholarships, careers, and loans.

The information in this annually published handbook is useful to students, parents, and school counselors. It is presented in clear and concise terms and is available for a nominal fee of $2 from the American Legion, National Emblem Sales, P.O. Box 1050, Indianapolis, IN 46206.

It is important for students to have as much information as is available about scholarship and financial aid opportunities, and I ask that section IV of the handbook be printed in the RECORD.

The material follows:

SECTION IV—SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS (LISTED ALPHABETICALLY)

1. U.S. Department of Education provides the largest source of funding for financial aid programs. These programs are listed in the following paragraphs. Applications are available at postsecondary schools and high schools. The "Federal Student Aid Fact Sheet from the U.S. Department of Education, 1990-91" may be obtained by writing to Federal Student Aid Programs, P.O. Box 84, Washington, DC 20044. Federal student aid questions may be directed to the toll-free Federal Student Aid Information number: 1-800-333-INFO.

a. College Work-Study Program (CWSP). This program provides on-campus and off-campus employment to undergraduate and graduate students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The wage paid is at least the current Federal minimum wage, but it may also be related to the type of work and its difficulty. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Pell Grant Program. Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutions, hospital schools of nursing, and other participating postsecondary institutions. To apply for the grant, an applicant must demonstrate need and be an undergraduate student enrolled on at least a half-time basis. For the 1990-91 award period, individual awards will depend on program funding. The maximum award for the 1990-91 academic year was $2,300. To apply for a Pell Grant, a student must complete either the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid: the Financial Aid Form (FAF) processed by CSS, the Family Financial Statement (FFS) processed by ACT, the Pennsylvania Higher Education Assistance Agency (PHEAA) form processed by PHEAA, the Student Aid Application for California (SAAC) processed by CSS, the Illinois State Scholarship Commission's form (AFSSA), processed by CSX or the Singlefile Form processed by USAF. Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

c. Perkins Loan (formerly National Direct Student Loan Program—NDSL). These loans are available to students enrolled at least half-time (and in some cases less than half-time) in a regular program of study at a participating school and who demonstrate need for financial assistance. Aggregate loans may not exceed $18,000 for a graduate student including undergraduate loans; $9,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $4,500 for any other student. Repayment of the loan begins 9 months after a borrower ceases to carry at least one half the normal academic work load, and is to be repaid within 10 years. Your "grace period" may be different than nine months if you are less than a half-time student. Interest of 5% will begin at the time the repayment period begins. You may defer repayment or have portions of your loan canceled under certain conditions.

d. Plus Loans and Supplemental Loans for Students (SLS). PLUS loans are for parent borrowers. SLS loans are for students. Interest rates are variable (maximum 12 percent). Like Stafford Loans, they are made by a lender such as a bank, credit union, or savings and loan association. It is not necessary to demonstrate need. Parents, graduate students and independent undergraduates may borrow $4,000 per year. In exceptional circumstances, the financial aid administrator may borrow $4,000 per year. In exceptional circumstances, the financial aid administrator may authorize dependent undergraduates to apply for an SLS. All borrowers must begin repaying these loans within 60 days, unless the borrower is entitled to a deferment and the lender agrees to let the interest accumulate until the deferment ends. The negotiation of each loan is between the student and the lending institution. Individuals who desire more information or wish to ir'tiate a loan should discuss the matter with the lender and the school financial aid administrator.

e. Stafford Loan (formerly Guaranteed Student Loan—GSL). This program provides loans to students for educational expenses, and is available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. All applicants must undergo a needs test. For new borrowers, the interest rate is 8 percent for the first 4 years of repayment and 10 percent after that. A 5 percent origination fee is charged, which will be deducted proportionately from each loan payment. The money is passed on to the Federal Government to help reduce the Government's cost of subsidizing these low-interest loans. Your lender may also charge you an insurance premium of up to 3 percent of the loan principal.

Loans must be repaid. Repayment normally is over a 5-10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payment will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted for a variety of reasons. Deferments are not automatic and must be applied for through your lender. Check with your lender for deferment information.

Depending on your need, you may borrow up to $2,625 a year, if you're a first or second-year undergraduate student; $4,000 a year, if you have completed 2 years of study and have achieved third-year status; $7,500 a year, if you're a graduate student. The total Stafford Loan debt you can have outstanding as an undergraduate is $17,250. The total for graduate or professional study is $54,750, including any loans made as an undergraduate.

f. Supplemental Educational Opportunity Grant (SEOG) Program. This grant program is for students with exceptional financial need (priority given to PELL grant recipients). Students must be enrolled as an undergraduate or vocational student in a regular program of study at an educational institu-

tion participating in the program. In some cases, awards may be made to less than half-time students. Graduate students are not eligible. The amount of the award may be up to $4,000 yearly.

**There are other Federal programs you can get information about from your State educational agencies. These programs are:

g. The Paul Douglas Teacher Scholarship. Encourages outstanding high school graduates to pursue teaching careers after they finish postsecondary education. Provides scholarships of up to $5,000 for each year of postsecondary education to students who graduate from high school in the top 10 percent of their class, and who meet other selection criteria their State educational agency many establish. Generally, students are required to teach two years for each year of scholarship assistance they receive. Check with your State Scholarship Agency for information.

h. The Robert C. Byrd Honors Scholarship. Students who demonstrate outstanding academic achievement and show promise of continued excellence may receive $1,500 of their *first year* of postsecondary education. These scholarships are based solely on merit, and are not renewable. Recipients are selected by the agency in the State responsible for supervising public elementary and secondary schools.

2. U.S. Department of Health and Human Services administers programs of assistance for students enrolled in health professions programs.

a. Exceptional Financial Need Scholarship Program [IV-1] provides a scholarship to encourage students with exceptional financial need to pursue careers in medicine, osteopathic medicine, dentistry, optometry, podiatric medicine, pharmacy, or veterinary medicine. Applicants should be citizens, nationals or lawful permanent residents of the United States or District of Columbia, the Commonwealths of Puerto Rico, or the Marianna Islands, the Virgin Islands, Guam, the American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia. Scholarships will cover all or a part of the cost of tuition, and other reasonable educational expenses including fees, books, laboratory expenses and other costs of attending school. No service or financial obligation accompanies the scholarship. For information, write: *Health Resources and Services Administration, Bureau of Health Professions, Division of Student Assistance, Parklawn Building, Room 8-38, 5600 Fishers Lane, Rockville, MD 20857.* To apply for the program, contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled.

b. Program of Financial Assistance for Disadvantaged Health Professions Students is a program that provides financial assistance without a service or financial obligation to disadvantaged health professions students who are of exceptional financial need to pursue a degree in medicine, osteopathic medicine, or dentistry by providing financial support to help pay for their costs of education. Federal funds for this program are allocated to participating accredited health professions schools located in the United States and Puerto Rico. These schools are responsible for selecting the recipients of such assistance. You are eligible to apply if you are a citizen, national or lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, the American Samoa or the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia; are accepted for enrollment or are enrolled in a participating health professions school as a full-time student; and are determined by your school's Financial Aid Director to be of "exceptional financial need" *and* to meet "disadvantaged" criteria.

Depending on finding available, a student may receive funds to cover the costs of tuition and other reasonable education expenses including fees, books, laboratory expenses and other costs of attending school.

To apply, contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled, or write to the address in (a) above.

c. The Health Education Assistance Loan (HEAL) Program is a federally insured loan program for eligible graduate students in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, public health, pharmacy, chiropractic, or in programs in health administration, clinical psychology, or allied health.

Eligible borrower—must be a citizen, national or permanent resident of the United States and accepted for enrollment as a full-time student, or already in full-time attendance and in good standing at an eligible HEAL school. Pharmacy students must have satisfactorily completed three years of training toward a pharmacy degree.

Eligible schools—Accredited health professions schools are eligible to participate in the HEAL Program if the school has an agreement with the Secretary. Foreign schools are not eligible under the HEAL Program even though some are eligible for the Guaranteed Student Loan Program.

Eligible lenders—Financial or credit institutions (including banks, savings and loan associations, credit unions, or insurance companies), State agencies, pension funds, eligible HEAL schools, and non-profit private entities designated by a State.

Loan limitations—Medical, osteopathic, dental, veterinary, optometric or podiatric students may borrow up to $20,000 per year, not to exceed $80,000 for all years. Pharmacy, chiropractic, health administration, clinical psychology, public health or allied health students may borrow up to $12,500 per year not to exceed $50,000 for all years.

Loans may be used solely for tuition, other reasonable educational expenses, including fees, books, supplies and equipment, and laboratory expenses, reasonable living expenses, reasonable transportation costs that relate directly to borrowers' educational expenses, and the HEAL insurance premium.

Interest—The HEAL Program does not provide a subsidy payment for interest. The amount of interest which may be charged to the borrower on the unpaid balance of the loan may not exceed the average bond-equivalent rate during the prior calendar quarter for 91-day Treasury bills sold at auction, plus three percent, rounded to the next higher ⅛ of one percent. Payment of principal and interest may be deferred while the borrower is a full-time student and during specific eligible periods of deferment. For more information contact the Director of Student Financial Aid at your school, or write to address in (a) above: Room 8-39.

d. The Health Professions Student Loan Program is a program of long-term interest loans to assist students having need for financial assistance to undertake the course of study required to become a physician, dentist, osteopathic physician, optometrist, pharmacist, podiatrist, or veterinarian. Funds are allocated to accredited schools of medicine, dentistry, osteopathic medicine, optometry, pharmacy, podiatric medicine, and veterinary medicine which are located in the United States and Puerto Rico, and which participate in the student loan program.

Each school participating in this program is responsible for selecting the recipients of loans and for determining the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a loan at a school that participates in the Health Professions Student Loan Program if you are:

1. A citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, the American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia;

2. Accepted for enrollment or enrolled as a full-time student in a course leading to a degree of doctor of medicine, doctor of dental surgery or equivalent degree, doctor of osteopathic medicine, doctor of optometry or equivalent degree, bachelor of science in pharmacy or equivalent degree, doctor of pharmacy degree, doctor of podiatric medicine or equivalent degree, or doctor of veterinary medicine or equivalent degree; and

3. In need of the loan to be able to pursue the course of study.

Note: Students enrolled in schools of medicine or osteopathic medicine must demonstrate exceptional financial need.

Pre-professional students, interns, residents, and students seeking advanced training are not eligible for assistance under this program.

The maximum amount you may borrow for each school year is the cost of tuition plus $2,500 or the amount of your financial need, whichever is the lesser. The interest rate is five percent (5%) for all loans made on or after November 4, 1968.

For information, contact the Director of Student Financial Aid at your school, or write to the address in (a) above.

e. National Health Service Corps (NHSC) Scholarships [IV-2] are awarded to U.S. citizens enrolled or accepted for enrollment as full-time students in accredited U.S. schools of allopathic or osteopathic medicine, dentistry, and other health disciplines needed for the mission of NHSC. These scholarships include a monthly living stipend and payment of school tuition. Each year of scholarship support incurs a year of Federal service obligation. The minimum service obligation is 2 years.

The NHSC places full-time primary health care practitioners in selected federally-designated Health Manpower Shortage Areas of the United States. Virtually all of these practitioners owe service obligations of 2 to 4 years due to their participation in the NHSC Scholarship Program.

If appropriated funds are available, applications for competitive awards for the 1990-91 school year may be limited to students who have participated at their schools in the Federal "Scholarship Program for First-Year Students of Exceptional Financial Need."

The scholarship program is administered by the Bureau of Health Care Delivery and Assistance, Division of Health Services

Scholarships. For further information write to: *NHSC Scholarships, Parklawn Building, Room 7-29, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-1650,* or for toll-free message tape, call 1-800-638-0824 (except Maryland).

f. National Health Service Corps Loan Repayment Program. [IV-2] The NHSC Loan Repayment Program invites applications from licensed allopathic (M.D.) or osteopathic (D.O.) physicians in the specialties of family practice, obstetrics-gynecology, pediatrics, internal medicine, and osteopathic general practice.

This federal program pays up to $20,000 annually toward a participant's qualified medical education loans (including HEAL) in return for 3 or 4 years of full-time professional practice at an approved NHSC Loan Repayment Service Site in the USA. (Two-year agreements will pay up to $13,333 per year.) Over 200 positions are available, mainly at private, non-profit community health centers serving the poor, the homeless, and migrant farm workers and their families. Compensation packages are negotiable and compare favorably with similar physicians in the same geographic area. Matches to sites must be concluded by February 15, 1990 and employment begin no later than August 1, 1990.

For an application, a list of NHSC Loan Repayment Service Sites, and a complete description of the Program, write to: *Division of Health Services Scholarships, Room 7-16, Parklawn Building, 5600 Fishers Lane, Rockville, MD. 20857* or telephone during office hours: 1-301-443-1650.

g. National Health Service Corps Loan Repayment Program for Graduate Nurses [IV-2]

The National Health Service Corps (NHSC) Loan Repayment Program pays for each year of full-time salaried practice at an approved NHSC Loan Repayment Service Site, up to $20,000 (up to $25,000 for certain sites under contract to Indian Tribes) toward a participant's qualified Government and commercial health professions education loans.

Applicants must be nurses who are U.S. citizens, preferably in their last year of graduate training for the M.S.N. A signed NHSC Loan Repayment Contract must be submitted with application agreeing to practice at an approved Site for 2, 3, or 4 years. Preference for selection will be given those who have completed graduate training in certified family nurse practitioners, pediatric nurse or nurse midwives. For applications write to NHSC Loan Repayment Program for Graduate Nurses, Room 7-16, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

h. Minority Access to Research Careers Program (Marc) Honors Undergraduate Research Training Awards [IV-3]

The Minority Access to Research Careers Program's Honors Undergraduate Research Training Program is designed to increase the number of well-prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in biomedical research. Its goal is also to help develop strong science curricula and research opportunities to prepare students for careers in biomedical research. A formal research experience for the recipient is an essential feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be honor students in their third or fourth year of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as Am. Indians, Blacks, Hispanics, and Pacific Islanders.

Each school will make awards for stipends and tuition support for five or more students. The award may include travel expenses to one national meeting closely related to a project.

Graduates of this undergraduate program are then eligible to compete for a MARC Predoctoral Fellowship which supports 5 years of training toward either the Ph.D. or M.D./Ph.D. at any high quality graduate institution.

Applications may be filed by January 10, May 10 or September 10. Apply for information or application to: United States Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Room 950, Bethesda, Maryland 20892.

3. Other U.S. Department of Health and Human Service Programs are:

a. Commissioned Officer Student Training and Extern Program (COSTEP) [IV-4]. COSTEP is a recruiting device for the Commissioned Corps of the Public Health Service (PHS) which offers excellent opportunities for students in health-related fields to get maximum benefit during free periods (31-120 days) of the academic year. Students may apply for assignments at any time during the year; however, the majority of students are hired for the summer period. To be eligible a student must have completed a minimum of one year of study in a medical, dental, or veterinary school; or have completed a minimum of two years of a professionally accredited baccalaureate program in the following course of study: dietetics, engineering, nursing, pharmacy, therapy, sanitary science, or medical record administration; or be enrolled in a masters or doctoral program in health related field other than those mentioned above. The student must expect to return to college as a full-time student in an accredited field of study following completion of the COSTEP assignment. Students must be free of any obligation that would conflict with extended duty in the PHS Commissioned Corps, may not be a member of another uniformed service nor owe a service obligation to another uniformed service, and must meet the qualifications for appointment in the Commissioned Corps. These include being a citizen of the United States, meeting the physical standards of the corps, and being under 44 years of age. Transportation is paid to and from the location of the assignment. *For applications, contact: Division of Commissioned Personnel, ATTN: COSTEP, Parklawn Building, Room 4-35, 5600 Fishers Lane, Rockville, MD 20857.* Deadline for applications: October 1 for assignments from January through April, February 1 for May through August, and May 1 for September through December. COSTEPs are commissioned as junior assistant health service officers in the Commissioned Corps of the PHS. The pay of a single COSTEP officer is $1,338.90 salary, $268.80 quarters allowance, $119.61 subsistence for a total of $1,726.31 per month. For COSTEP officers with dependents, the quarters allowance is $364.50 for a total of $1,823.01 per month. The quarters and subsistence allowances are not taxable. COSTEPs are eligible for medical and dental care while on duty and receive many of the benefits of commissioned officers. For additional information, you may call the COSTEP office at (301) 443-6324.

b. Professional Nurse Traineeship Program [IV-5]. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialties requiring advanced training. Traineeships provide a living stipend (not to exceed $6,552) and tuition and fees as set by the participating training institutions. Trainees are selected by the training institutions. Further information is available from: *Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Room 5C26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.* Students should request information through the Dean of Nursing at their institution. Note: This assistance is only for students studying at the master's or doctoral level or studying to become nurse midwives.

c. Nursing Student Loan Program. [IV-5.1] The program is intended to assist students to achieve careers in nursing by providing long-term, low-interest loans to help meet costs of education.

Federal funds for this program are allocated to accredited schools of nursing education. These schools are responsible for selecting the recipients of loans and for determing the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a Nursing Student Loan if you are a citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, the American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia; are accepted for enrollment or are enrolled as a full-time or half-time student in a course leading to a diploma in nursing, an associate degree in nursing, a bachelor's degree in nursing or an equivalent degree, or a graduate degree in nursing.

You may borrow $2,500 for an academic year, $4,000 for each of the final two years, or the amount of your financial need, whichever is the lesser. The total amount of a student's loan for all years may not exceed $13,000.

In determining the amount of assistance you may require, the school considers: All financial resources available to you, including other sources of aid, such as scholarships or other repayable loans, and the costs reasonably necessary for attendance at the school.

The interest rate is five percent (5%) for all loans made on or after November 4, 1988. *To apply, contact the Director of Student Financial Aid at your school.*

4. The U.S. Department of Interior Administers a Program of Indian Tribal Grants and Loans. [IV-6.1] Over 45 Indian tribes have established their own grant and loan programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, D.C. 20240, or through the Tribal Headquarters.

5. Indians Higher Education Grant Program [IV-6] is a program for students who

are members of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree; must demonstrate financial need to the institution they are or will be attending. For information, write to: *Department of the Interior–BIA, Office of Education Programs, MS 3512, Code 522, 18th & C Street, N.W., Washington, D.C. 20240.*

6. The U.S. Information Agency Sponsors: The Fulbright Teacher Exchange Program. [IV–7] Under the Mutual Educational and Cultural Exchange Act, qualified American educators may work in elementary and secondary schools abroad, and, in some instances, institutions of higher education in various countries. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application, proficiency in the language of the host country and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars held in Italy and the Netherlands. Evidence of good health and stability also is required.

Round-trip transportation to some countries for those selected to participate may be provided. A maintenance allowance may also be provided, paid in the currency of the host country, based upon that country's cost of living. For teachers participating in the Exchange Program, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round trip transportation and tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual application deadline date is October 15. Application forms can be obtained from and then submitted to the *Teachers Exchange Branch, E/ASX, Room 353, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547.*•

NATIONAL GROCERS WEEK

• Mr. GRASSLEY. Mr. President, the week of June 23 is "National Grocers Week," a time to recognize the entrepreneurial contribution America's retail and wholesale grocers make to keep our economy viable, while providing friendly, hometown service to their customers.

These representatives of our great food distribution industry will be in Washington, DC, during this week, making their concerns and contributions known. "Grocers Care" is the theme of the conference, recognizing their support of "A Healthy America" with involvement in charitable organizations such as the American Cancer and Heart Associations; "A Clean America" with contributions to recycling and the environment; and "A Proud America" with grocers' civic and patriotic endeavors.

I am proud to recognize and include in today's RECORD the activities of Iowa's members:

Mr. James Scheer of Jim & Dean's Market in Council Bluffs is active in community charitable projects through their Jail and Bail Program, and raising funds in support of the American Cancer Society.

Mr. Jim Borders of Jim's Food Mart of Tabor has been a community club member for 20 years, rebates 1 percent o a save-a-tape program for nonprofit organizations, donated food for a tornado cleanup crew, assisted in fundraisers for ambulance and fire departments, supports the sheriff department, and serves on church and Optimist Club boards.

Mr. Robert Hand of Dahl's Foods in Des Moines actively sponsors Iowa Special Olympics and Polk County participants, is a major sponsor of the American Cancer Society golf tournament and their camp for children with cancer, contributes to the United Way, Convalescent Home for Children, and Iowa College Foundation, among others.

Robert Cramer, Fareway Stores of Boone, supported Iowa Hometown Care Package project, by sending care packages to Iowa soldiers in the gulf and serving as the collection point and providing transportation of donations.

Duane Godfrey of Rog & Scotty's Super Valu of Council Bluffs supports Grocers Fight Cancer Program with a percentage donation of 1 day's sales.

Jerry Fleagle of Fleagle Foods of Waterloo contributes computer equipment to local schools through the Computers for Kids Program.

Mick Gabrielson of We Three Market of Belmond supports local schools with an Adopt-a-Class Program, whereby employees interact with reading activities and sponsor holiday parties.

Jim Conrey, Jim's Super Valu of West Liberty, sponsors Little League, Meals on Wheels, school reading programs, MDA, Shrine and Lions Club, et cetera; recycling point and reusable bag promotions; and Red Cross support for families of Armed Forces in the gulf.

Doug Fallgatter of Fallgatters Market in Northwood, Mary Rooney of Payless Foods in Dyersville, and Scott Havens of Plaza Food Center in Norwald are active supporters of their communities and are participating in Grocers Care recognition activities in Washington, DC, during the week of June 23.

The Grocer Association of Iowa represented by Executive Director Trish Smallenberger, promotes community service activity among its members, as well as actively supporting "Our Common Ground"—a project to aid pensioners and orphans in the Soviet Union.

Also recognized for Grocers Care activity are: Dick Maxwell of Joyce's Foodland in Sac City for Grocers Fight Cancer; Ron Pearson of Hy-Vee Food Stores in Chariton for a 14-point environmental program including bag return on shelf tag program; Dave Wilson of Scrivner of Iowa in Laurens for being a major sponsor of Industry Days, which promotes employment opportunities; Chuck Ramsbacher of Nash Finch Co. in Cedar Rapids—their Econofoods stores distributed seedlings to customers to promote tree plantings in conjunction with Earth Day; Gene Foltz of Super Valu Stores in Des Moines for their Protect the Future Environmental Program to educate the consumer on recycled and recyclable packaging; Matt Andersen of Liddle's Super Valu Foods in New Hampton for their Grocers Fight Cancer promotion; Phyllis Pals of P&G Market in Belmond for their Grocers Fight Cancer Program; John Daugherty of Daugherty's Market in Adel sponsored cloth shopping bags which are being sold by students to raise money for environmental projects; and Russ Hale of Fairco-Associated Grocers in Ankeny for being a major sponsor of Red Ribbon Week, which promotes activities to demonstrate a commitment to a drug-free America.

These individuals and their companies deserve our recognition and the support of investing ourselves in our communities, as is their example.•

NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT—S. 1318

• Mr. HATFIELD. Mr. President, yesterday, Senators PACKWOOD, JEFFORDS, and I introduced the National Beverage Container Reuse and Recycling Act, which is now Senate bill 1318. I now ask unanimous consent that the bill be printed in the RECORD.

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

S. 1318

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 "National Beverage Container Reuse and Recycling Act".

SEC. 2. AMENDMENTS TO SOLID WASTE DISPOSAL ACT.—Title II of the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle L—Beverage Container Recycling and Reuse

"SHORT TITLE; FINDINGS

"SEC. 12001. (a) SHORT TITLE.—This subtitle may be cited as the 'Beverage Container Reuse and Recycling Act'.

"(b) FINDINGS.—Congress finds and declares that—

"(1) the failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources;

"(2) nonbiodegradable beverage containers represent a continued threat to the environment;

"(3) solid waste resulting from such empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and prob-

lems of effectively managing the disposal of such waste;

"(4) disposal of such solid waste, which imposes severe problems in both urban and rural aspects of our environment as well as a financial burden on local and State governments, could be minimized by the recycling of empty beverage containers;

"(5) waste resulting from littering or discarding of certain containers constitutes a significant health hazard and poses a threat to children and others due to broken glass, detachable openings and other sharp objects present in recreation and other environments;

"(6) several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers, and these have proven effective as well as inexpensive to administer due to their self-enforcing nature;

"(7) a national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and would result in a high level of reuse and recycling of such containers and help reduce the costs associated with solid waste management;

"(8) a national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery;

"(9) the reuse and recycling of empty beverage containers would eliminate these unnecessary burdens on the Federal Government, local and State governments, and the environment;

"(10) a national system of beverage container recycling is consistent with the intent of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.);

"(11) the provisions of this subtitle are consistent with the goals set in January 1988, by the Environmental Protection Agency, which establish a national goal of 25 percent source reduction and recycling by 1992, coupled with a substantial slowing of the projected rate of increase in waste generation by the year 2000; and

"(12) recycling the beverage containers of this Nation would result in a 6 to 8 percent reduction in the solid waste stream of this Nation.

"DEFINITIONS

"SEC. 12002. (a) DEFINITIONS.—For the purposes of this subtitle, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'beverage' means carbonated or noncarbonated mineral water, water, beer, wine, fruit juice, juice drink, soft drink, malt beverage, mixed beverages, distilled spirits, mixed spirit drink or mixed wine drink;

"(3) 'beverage container' means the individual bottle or can, with a capacity of up to one gallon, in which a beverage is sold, and that is constructed of metal, glass, or plastic, or any combination of these materials. Such term does not include cups or other similar open or loosely sealed containers;

"(4) 'refundable beverage container' means a beverage container which has clearly, prominently, and securely affixed to such container, or printed, embossed, or incised into such container (in accordance with section 12003), a statement of the amount of the refund value of the container, and which is in a condition required by this subtitle;

"(5) 'consumer' means a person who purchases a beverage in a beverage container for any use other than resale;

"(6) 'distributor' means a person who sells or offers for sale in interstate commerce beverages in beverage containers for resale;

"(7) 'retailer' means a person who purchases from a distributor beverages in beverage containers for sale in interstate commerce to a consumer or who sells or offers to sell in interstate commerce beverages in beverage containers to a consumer;

"(8) 'interstate commerce' means trade, traffic, or transportation—

"(A) between a place in a State and any place outside thereof,

"(B) within the District of Columbia or any territory or possession of the United States, or

"(C) which affects trade, traffic, commerce, or transportation described in subparagraph (A) or (B); and

"(9) 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(b) REGULATIONS.—The Administrator shall prescribe such regulations as may be necessary to establish who is a retailer with respect to the sale of beverages in beverage containers to consumers through beverage vending machines. In addition, such regulations shall prescribe the condition in which a beverage container must be submitted in order to be redeemed under the program, and shall provide for the establishment of a refund mechanism necessary to carry out the purposes of this subtitle.

"BEVERAGE CONTAINER PROGRAM

"SEC. 12003. PROGRAM.—Prior to the expiration of the 180 day period following the date of the enactment of this section, the Administrator shall, by regulation, establish a program to prohibit any distributor or retailer from selling or offering for sale, in interstate commerce, a beverage in a beverage container unless there is clearly, prominently, and securely affixed to such container, or printed, embossed, or incised into such container, a statement which includes the refund value. Such program shall take effect in accordance with the provisions of section 12005 and shall require, among other things, that—

"(1) if a consumer tenders for refund a refundable beverage container to a retailer or redemption center, the retailer or redemption center shall promptly pay the consumer the amount of the refund value stated on the container;

"(2) if a retailer, redemption center, or consumer tenders an empty refundable beverage container to a recycling entity for processing, the appropriate State agency or other entity designated by the Administrator, upon application, shall promptly pay the retailer, redemption center, or consumer, as the case may be, the amount of the refund stated on the container pursuant to this subtitle;

"(3) no beverage shall be sold or offered for sale, in interstate commerce, at wholesale, unless the distributor charges and the retailer pays, on each such beverage container, a minimum of 10 cents;

"(4) no such beverage shall be sold or offered for sale, in interstate commerce, at retail, including by vending machines, unless the retailer charges and the consumer pays, on each such beverage container, a minimum of 10 cents;

"(5) the distributor deposits all moneys collected pursuant to such program at such time and place as the Administrator shall direct;

"(6) unclaimed deposits be made available, from time to time, for purposes of paying, subject to the availability of unclaimed deposits, a handling fee up to 2 cents for each beverage container; and

"(7) unclaimed deposits not used toward payment of a handling fee be used to promote comprehensive recycling, such as development of redemption centers, curbside recycling or for other purposes related to recycling.

"PENALTIES

"SEC. 12004. VIOLATIONS.—Whoever violates any provision of section 12003, or regulation or rule issued pursuant thereto, shall be fined not more than $1,000 for each violation.

"EFFECTIVE DATES

"SEC. 12005. EFFECTIVE DATE.—The provisions of section 12003 shall apply, subject to the provisions of section 3 of the National Beverage Container Recycling Act, with respect to beverages sold or offered for sale in interstate commerce on or after the expiration of the 2-year period following the date of the enactment of this subtitle.".

SEC. 3. (a) EXEMPTION FROM APPLICATION OF AMENDMENTS ON THE BASIS OF A 70 PERCENT RECYCLING RATE.—The provisions of subtitle L of the Solid Waste Disposal Act shall not be applicable to any State which demonstrates to the Administrator of the Environmental Protection Agency that, for any period of 18 consecutive months following the date of the enactment of this Act, such State achieved a recycling or reuse rate of beverage containers equal to 70 percent of the beverage containers sold at retail in such State during the preceding 18 consecutive month period. Notwithstanding the preceding sentence, if at anytime following a determination that a State has achieved a 70 percent recycling or reuse rate the Administrator determines that such State has failed, for any 18-consecutive-month period, to maintain at least such a 70 percent recycling or reuse rate of its beverage containers, the Administrator shall notify such State that, upon the expiration of the 90-day period following such notification, the provisions of such subtitle L shall be applicable to that State.

(b) EXEMPTION FROM APPLICATION OF AMENDMENTS ON THE BASIS OF EQUALLY STRINGENT PROGRAM.—Any State which has in effect and is enforcing a program requiring the recycling or reuse of beverage containers may make application to the Administrator of the Environmental Protection Agency requesting that such State be exempted from the application of the provisions of subtitle L of the Solid Waste Disposal Act. If the Administrator determines, on the basis of such application, that the State program—

(1) is equally as stringent as the program provided for by such subtitle; and

(2) substantially complies with the requirements set forth in subsection (c) of this section;

the Administrator shall exempt such State from the requirements of such subtitle for such period as the State program is in effect and enforced. In the event that the Administrator terminates an exemption under this section in connection with any State, subtitle L of the Solid Waste Disposal Act shall, at such time as the Administrator shall determine, be applicable to such State.

(c) REQUIREMENTS FOR STATE PROGRAM.—For purposes of subsection (b), each such State program, in order to qualify for an ex-

emption, shall substantially comply with the following minimum requirements:

(1) A minimum refund value of ten cents for each beverage container.

(2) A requirement that each distributor of beverage containers turn over to the State all deposits collected by such distributor from a retailer pursuant to this section, and that such deposits be deposited in a fund for use in accordance with paragraph (3).

(3) A requirement that upon application to a State, the State shall pay from the fund established pursuant to paragraph (2), a handling fee not to exceed 2 cents for each beverage container redeemed by a retailer or redemption center, and provide for conveniently located redemption services in accordance with paragraph (11). In the event that the unredeemed deposits in the fund are insufficient to pay the stated handling fee, that fee shall be reduced to a level for which there are sufficient funds.

(4) A requirement that, if a retailer, redemption center or consumer returns an empty refundable beverage container to a distributor or a processing facility, the State, upon application, shall promptly pay the retailer, redemption center, or consumer, as the case may be, the amount of the refund value stated on the container pursuant to this Act.

(5) A requirement that the State consider the size of the container in establishing the refund value of a beverage container in excess of 10 cents.

(6) A definition of 'beverage containers' and 'beverage' as provided in section 12002 of the Solid Waste Disposal Act.

(7) Establishment of convenient retailer or redemption center sites.

(8) A requirement that no beverage shall be sold or offered for sale—

(A) at wholesale, unless the distributor charges and the retailer pays, on each such beverage container, a minimum of 10 cents;

(B) at retail, including by vending machines, unless the retailer charges and the purchaser pays, on each such beverage container, a minimum of 10 cents; and

(C) unless the beverage container clearly indicates the refund value.

(9) A prohibition against the post-redemption disposal of any beverage container in a landfill or any other solid waste disposal facility.

(10) A requirement that each beverage container manufacturer shall clearly indicate by engraving, embossing, molding, stamping, labeling, or other appropriate methods, the refund value of the beverage container and the name or abbreviation of the State in which such container is manufactured, but nothing in this subsection shall be construed as prohibiting the reuse of a beverage container.

(11) A requirement that each retailer provide for redemption of beverage containers, including, at the discretion of the retailer, the establishment of redemption centers no more than a ½ mile radius of such retailer.

(12) A requirement that manufacturers, distributors, and processors of beverages or beverage containers shall provide such records and reports as may be necessary to enable a State to carry out its beverage container recycling and reuse program.

(13) A requirement that criminal penalties and civil penalties be provided for violations of State recycling and reuse laws involving empty beverage containers.

SEC. 4. REGULATIONS.—The Administrator of the Environmental Protection Agency shall issue such regulations as may be necessary to carry out the provisions of this Act, and the amendments made by this Act.●

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 Andrew K. Semmel, a member of the staff of Senator RICHARD G. LUGAR, to participate in a program in Singapore, sponsored by the Institute of Policy Studies, from May 25–June 1, 1990.

The committee has determined that participation by Mr. Semmel in the program in Singapore, at the expense of the Institute of Policy Studies, is in the interest of the Senate and the United States.●

THE INDEPENDENCE OF THE SOUTH DAKOTA ELECTORATE IN PRESIDENTIAL ELECTIONS: A PAPER BY PROF. PHILIP A. GRANT

● Mr. DASCHLE. Mr. President, Philip A. Grant, Jr., professor of history at Pace University, recently provided me with a very informative paper that analyzes both the Republican and Democratic Presidential primaries in South Dakota and stresses the independence of the South Dakota electorate. His paper was delivered at the 1990 Dakota History Conference at Augustana College.

Professor Grant is a scholar very familiar with elections and public officials throughout South Dakota's history. His most recent paper in this area explores the idea that delegates to party conventions should be elected directly by the people, and I commend it to my colleagues' attention. Mr. President, I ask that Professor Grant's paper be included at this point in the RECORD.

The paper follows:

PRESIDENTIAL PRIMARIES IN SOUTH DAKOTA, 1952–80

(By Philip A. Grant, Jr.)

Between 1952 and 1980 millions of American citizens availed themselves of the opportunity to participate in the process of nominating presidential candidates. During these years both the Democratic and Republican Parties engaged in the task of choosing delegates to their respective national conventions. In many states these delegates were elected in presidential primaries. In addition to contributing to the selection of delegates the various primaries frequently indicated the levels of popular support for presidential contenders of the two major parties.[1]

South Dakota was among the thirteen states holding presidential primaries in every national election year from 1952 to 1980. Unlike the states which scheduled their presidential primaries in the late winter or early spring, the South Dakota primary contest always occurred during the first week of June. Between 1952 and 1972 the victor in South Dakota's presidential primary was allotted all of the state's delegates to the Democratic and Republican conventions, while in 1976 and 1980 provision was made for a proportionate split of the delegates of both parties.

In 1952 Senator Estes Kefauver of Tennessee surprised many political observers by challenging Democratic President Harry S. Truman for renomination. It was widely assumed that Truman would seek re-election in 1952 and it was anticipated that the incumbent Chief Executive would encounter only minimal difficulty in disposing of Kefauver. Not only did Kefauver upset Truman in the New Hampshire primary, but also the President startled the nation on March 29 by announcing that he would not be a candidate for re-election. Since Kefauver had already been campaigning in nearly all of the primary states, he enjoyed a distinct advantage over other actual or potential rivals for the democratic nomination. Kefauver proved to be especially popular in the Midwest, winning primaries in Ohio, Illinois, Wisconsin, and Nebraska. The Tennessean climaxed his numerous primary triumphs by scoring a solid victory in South Dakota on June 3. On that date Kefauver's slate of delegates outpolled an unpledged group of delegates by a margin of 22,812–11,741 (65.8%). As a consequence of his impressive primary victory, Kefauver received South Dakota's eight delegates to the Democratic convention.[2]

The 1952 Republican presidential contest involved General Dwight D. Eisenhower and Senator Robert A. Taft of Ohio. Eisenhower, a national hero by every standard, was supported by a bloc of governors from the populous states of the Northeast, while Taft, serving his third term in the Senate, was favored by most of the prominent Republican leaders of the Midwest. Since Taft was an avowed conservative on domestic issues and a steadfast isolationist on foreign policy questions, it was expected that he would easily prevail in the South Dakota primary. Indeed Taft had earlier recorded primary victories in Ohio, Illinois, Wisconsin, and Nebraska. Since Eisenhower was still occupying the post of Supreme Allied Commander in Europe and had not officially announced his candidacy, he was unable to travel to South Dakota and the other primary states. Instead of resulting in an emphatic Taft victory, the South Dakota primary proved to be extraordinarily close in numerical terms. The final outcome was as follows: Taft 64,695 (50.3%)–Eisenhower 64,995 (49.7%). While Taft gained the fourteen delegates to the Repub-

[1] Between 1952 and 1980 58,817,396 Republicans and 71,029,198 Democrats voted in presidential primaries. Altogether one hundred and fifty-eight primaries were held during this twenty-eight year period. James W. Davis, "Presidential Primaries" (Westport, Connecticut: Greenwood Press, 1980); "Guide to U.S. Elections" (Washington: Congressional Quarterly, Inc., 1985), pp. 408–435.

[2] State of South Dakota, "Legislative Manual, 1953" (Pierre: 1953), p. 145; Robert J. Donovan, "Tumultuous Years: The Presidency of Harry S. Truman, 1949–1953" (New York: W.W. Norton and Company, 1982), pp. 394–397; Joseph B. Gorman, "Kefauver: A Political Biography" (New York: Oxford University Press, 1972), pp. 115–141.

lican convention, Eisenhower's campaign received an obvious psychological boost from the General's strong showing in the South Dakota primary.[3]

In 1956 Kefauver launched his second bid for the presidency. Like 1952, the Tennessee senator was determined to win most, if not all, of the presidential primaries. After repeating his New Hampshire primary victory of 1952, Kefauver campaigned vigorously throughout the Midwest. In 1956 Kefauver won primaries in Ohio, Indiana, Wisconsin, Nebraska, and Minnesota. Kefauver in 1956 concentrated on agricultural issues, promising general federal farm subsidies. Kefauver was unopposed in the June 5 South Dakota primary, polling 30,940 votes. While Kefauver withdrew from the presidential race after losing in the Florida, Oregon, and California primaries, he retained the loyalty of South Dakota's eight convention delegates in his successful quest for the Democratic vice-presidential nomination.[4]

Eisenhower, completing his first term in the White House, was unopposed for renomination in 1956. The President, who had carried South Dakota and thirty-eight of the other forty-seven states in 1952, was extremely popular and was heavily favored for reelection to a second term. In sharp contrast to 1952 Eisenhower received all of the 59,374 votes cast in the 1956 South Dakota G.O.P. presidential primary.[5]

In 1960 two Democrats, Senators John F. Kennedy of Massachusetts and Hubert H. Humphrey of Minnesota, competed against one another in the presidential primaries. The youthful Kennedy had attracted nationwide attention by narrowly losing the 1956 vice-presidential contest to Kefauver. Humphrey, a native of Doland, South Dakota, was completing his second term in the Senate. Kennedy, a highly effective campaigner, compiled an unblemished record of success in the ten presidential primaries which he opted to enter. Notwithstanding his distinguished record on Capitol Hill, Humphrey failed to win a single presidential primary and graciously ended his candidacy after losing to Kennedy in West Virginia in May. Humphrey was the sole candidate on the South Dakota ballot in the June 7 primary, but, inasmuch as he had ceased to be a candidate, only 24,773 Democrats bothered to vote in the primary itself. Because Humphrey had released all his delegates, the South Dakotans selected to attend the 1960 Democratic convention were free to vote for any of the several remaining candidates. Four of South Dakota's delegates were aligned in favor of Senator Kennedy, while the other members of the delegation were divided between three of the Massachusetts senator's rivals.[6]

While the Democrats in 1960 had a rather spirited contest for their presidential nomination and did not actually designate their candidate until Wyoming, the final state in the alphabetical listing, cast its vote at the party convention, the Republicans without delay united behind Vice-President Richard M. Nixon. Nixon faced no opposition whatever for the G.O.P. presidential nomination. The Vice-President, who was well-known in South Dakota because of his close friendship with Senator Karl E. Mundt, received 48,461 votes in the state's presidential primary. Since Nixon was mathematically assured of the Republican presidential nomination, he did not find it necessary to appear in South Dakota. Instead by June Nixon was earnestly preparing his campaign for the general election in November.[7]

By 1964 Lyndon B. Johnson had succeeded the late President Kennedy. During the weeks and months following Kennedy's tragic assassination, Johnson had conducted himself with remarkable dignity and had persuaded Congress to pass a substantial number of landmark bills. The public opinion polls established that Johnson in 1964 was likely to be elected to a full term by an overwhelming majority. Unopposed for his party's nomination, Johnson tabulated 28,172 votes in South Dakota's June 2 primary.[8]

The struggle for the 1964 Republican nomination was waged primarily between Senator Barry M. Goldwater of Arizona, an ultra-conservative, and Governor Nelson A. Rockefeller of New York, a self-proclaimed moderate liberal. While Goldwater fared well in several presidential primaries, his supporters were forced to compete with an unpledged slate of delegates in South Dakota. The members of the unpledged slate, while not necessarily hostile to Goldwater, claimed that the Republican Party should seriously consider choosing a compromise candidate as its nominee. In what proved to be somewhat of an upset in 1964, the unpledged slate of delegates crushed the slate committed to Goldwater. The official figures were: Unpledged 57,653 (67.4%)–Goldwater 27,076 (32.6%).[9]

Because of increasing anguish over the nation's prolonged and costly military involvement in Vietnam and the steady decline in President Johnson's popularity, Republicans were genuinely hopeful about their prospects of recapturing the White House in 1968. The major public opinion polls indicated that former Vice-President Nixon was clearly the frontrunner for the 1968 G.O.P. nomination. At the outset of the campaign Nixon's two principal rivals were Governors George M. Romney of Michigan and Nelson A. Rockefeller of New York. Romney, after faltering in the early stages of the New Hampshire primary campaign, withdrew from the presidential race on February 28, while Rockefeller announced on March 21 that he had definitely decided not to be a candidate. Thus, by late March Nixon was unopposed for the Republican nomination. As the only Republican appearing on the ballot, Nixon polled 68,113 votes in South Dakota's June 4 presidential primary.[10]

Unlike the Republicans, the Democratic Party in 1968 was to engage in an acrimonious internal struggle. President Johnson was challenged for renomination by two outspoken critics of his Vietnam policy, Senators Eugene J. McCarthy of Minnesota and Robert F. Kennedy of New York. After Johnson abruptly withdrew as a candidate on March 31, Vice-President Hubert H. Humphrey belatedly entered the presidential contest. By the time Humphrey launched his candidacy the deadlines for participating in the various presidential primaries had passed. McCarthy handily won primaries in Wisconsin, Pennsylvania, Massachusetts, and Oregon, while Kennedy scored impressive primary victories in Indiana, Nebraska, and the District of Columbia. In addition to McCarthy and Kennedy, Johnson was listed on the June 4 primary ballot. The Johnson slate of delegates was led by Robert M. Chamberlain, South Dakota's Democratic State Chairman and the 1966 Democratic nominee for Governor. Chamberlain, an avowed Humphrey supporter, pledged that the Johnson delegates would be available for the Vice-President. While it was generally expected that Kennedy would prevail in the primary, there was some doubt about his projection margin of victory. On June 4 Kennedy overwhelmed Johnson and McCarthy. The result of the primary was as follows:

Kennedy	31,826
Johnson	19,316
McCarthy	13,145

Inasmuch as seventy percent of South Dakota Democrats had voted for either Kennedy or McCarthy, there was a feeling that the primary reflected widespread disillusion with the Vietnam War. After the tragic death of Senator Kennedy, his colleague, Senator George S. McGovern of South Dakota, became a candidate for the presidency in August. At the 1968 Democratic National Convention in Chicago the South Dakota delegation cast all twenty-six of its votes in favor of inserting a peace plank in the party platform and favored McGovern over Humphrey by a margin of 24–2.[11]

In sharp contrast to 1968 the political scene in South Dakota was rather tranquil during the spring of 1972. President Nixon, heavily

[3] Stephen E. Ambrose, "Eisenhower: Soldier, General of the Army, President-Elect" (New York: Simon and Shuster, 1983), pp. 524–536; James T. Patterson, "Mr. Republican: A Biography of Robert A. Taft" (Boston: Houghton Mifflin Company, 1972), pp. 517–536; Philip A. Grant, Jr., "The 1952 Republican Presidential Primary," (South Dakota History, Winter 1977), VII, 46–58; Times, New York, N.Y., June 4, 1952, pp. 1, 22; June 5, 1952, pp. 1, 17.

[4] Charles A.H. Thomson and Frances M. Shattuck, "The 1956 Presidential Campaign" (Washington: The Brookings Institution, 1960), pp. 36–61; John H. Runyon, Jennefer Verdini, and Sally S. Runyon, "Sourde Book of American Presidential Campaign and Election Statistics" (New York: Frederick Ungar Publishing Company, 1971), p. 13.

[5] Elmo Richardson, "The Presidency of Dwight D. Eisenhower" (Lawrence: University of Kansas Press, 1979), pp. 89–92; Malcolm Moos, "Election of 1956," (History of American Presidential Elections, 1789–1968, 4 vols.; New York: Chelsea House Publishers, 1971), IV, 3341–3354.

[6] Carl Solberg, "Hubert H. Humphrey: A Biography" (New York: W.W. Norton and Company, 1984), pp. 199–212; Theodore H. White, "The Making of the President, 1960" (New York: Atheneum Publishers, 1961), pp. 78–114; Times, New York, N.Y., May 11, 1960, pp. 1, 31; Congressional Quarterly, May 27, 1960, p. 926; June 10, 1960, p. 998.

[7] Stephen E. Ambrose, "Nixon: The Education of a Politician, 1913–1962" (New York: Simon and Shuster, 1987), pp. 535–546; George H. Mayer, "The Republican Party, 1854–1964" (New York: Oxford University Press, 1964), pp. 506–510; Richard C. Bain and Judith H. Parris, "Convention Decisions and Voting Records" (Washington: The Brookings Institution, 1973), pp. 306–308.

[8] Michael Amrine, "This Awesome Challenge: The Hundred Days of Lyndon Johnson" (New York: G.P. Putnam's Sons, 1964); Doris Kearns, "Lyndon Johnson and the American Dream" (New York: Harper and Row, Publishers, 1976), pp. 170–209.

[9] Theodore H. White, "The Making of the President, 1964" (New York: Athenuem Publishers, 1965), pp. 98–129; Congressional Quarterly, May 27, 1964, p. 1003; June 5, 1964, p. 1089; Times, New York, N.Y., June 3, 1964, p. 30.

[10] George H. Gallup, "The Gallup Poll, 1959–1971" (New York: Random House, 1971), pp. 2089, 2096, 2102, 2103, 2106, 2108, 2109, 2113; Times, New York, N.Y., February 29, 1968, pp. 1, 22, 23; March 22, 1968, pp. 1, 32, 33, 34, 35; Leonard Levine, "The Running of Richard Nixon" (New York: Coward, McCann and Geoghegan, 1972), pp. 291–296.

[11] "Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1968–1969" (Washington: United States Government Printing Office, 1970), pp. 469–476; Post, Washington, D.C., April 1, 1968, pp. 1, 12, 13, 14, 15; Times, New York, N.Y., April 1, 1968, pp. 1, 26, 27; April 28, 1968, pp. 1, 32; August 11, 1968, pp. 1, 61, 62; Convention Decisions and Voting Records, pp. 322–327; Arthur M. Schlesinger, Jr., "Robert Kennedy and His Times" (Boston: Houghton Mifflin Company, 1978), pp. 880–883; Jules Witcover, "85 Days; The Last Campaign of Robert Kennedy" (New York: G.P. Putnam's Sons, 1969), pp. 128–182.

favored in his quest for re-election, was confronted with only token opposition in the series of Republican presidential primaries between March and June. Indeed Nixon was unopposed in the June 6 South Dakota primary, attracting 52,820 votes. Senator McGovern, while discounted as a serious contender for the Democratic nomination in late 1971 and early 1972, won Democratic primaries in Wisconsin, Nebraska, Massachusetts, Oregon, and Rhode Island. One of McGovern's two major rivals, Senator Edmund S. Muskie of Maine, suspended his presidential candidacy on April 27, while another, Governor George C. Wallace of Alabama, was incapacitated after an assassination attempt on May 13, McGovern faced no opposition in the June 6 South Dakota primary, receiving 28,017 votes. Interestingly, McGovern also won primary victories in New Mexico and California on June 6, virtually guaranteeing that he would secure the Democratic nomination on the first ballot.[12]

In 1976 Gerald R. Ford, who had become the nation's Chief Executive after the resignation of President Nixon in August 1974, was considered politically vulnerable. Ford had not only provoked resentment by his controversial pardon of his disgraced predecessor, but had also encountered numerous difficulties in his relations with Congress. Competing with Ford for the 1976 Republican presidential nomination was former Governor Ronald Reagan of California, and articulate conservative. Reagan charged that Ford had been conspicuously ineffective both in the White House and as the leader of the Republican Party. Reagan's spirited campaign against Ford gained considerable momentum as the Californian defeated the President in the North Carolina, Georgia, Indiana, Nebraska, Arkansas, Idaho, and Nevada primaries. By late May it appeared that Ford was in a highly precarious position. It was generally anticipated that the June 1 South Dakota primary would be fairly close. Instead Reagan outpolled Ford by a tabulation of 43,038–36,976. Reagan's decisive triumph in South Dakota confirmed beyond any doubt that many Republicans throughout the country had lost confidence in President Ford.[13]

Due to the sustained publicity surrounding the Watergate scandal, the adverse impact of the Nixon pardon, and the divisive struggle between Ford and Reagan, Democrats felt that they were in a strong position to win the presidency in 1976. The most visible Democratic contenders were former Governor Jimmy Carter of Georgia, Governor Edmund G. Brown of California, Senator Frank F. Church of Idaho, and Congressman Morris L. Udall of Arizona. Altogether Carter won thirteen primaries over a three month period. Brown was the primary victor in only two states, while Church prevailed in three primary races, including his home state of Idaho. The June 1 South Dakota primary narrowed to a contest between Carter and Udall. Since Udall had not finished first in a single primary, his survival depended on vanquishing Carter in South Dakota. While failing to gain an absolute majority of the popular vote, Carter defeated Udall by a margin of 24,186–19,510. A total of 12,975 South Dakota Democrats, voted either for minor candidates or none of the individuals listed on the ballot. In the aftermath of the South Dakota presidential primary Carter was within a few hundred votes of clinching the Democratic nomination.[14]

In 1980 Ronald Reagan, who had commanded the support of 1,070 delegates at the 1976 Republican National Convention, was again a candidate for the G.O.P. presidential nomination. After easily winning the nation's first primary in New Hampshire, Reagan promptly disposed of most of his Republican competitors. By late April only former C.I.A. Director George Bush had not conceded the nominaiton to Reagan. Reagan accomplished the feat of prevailing over Bush in twenty of the twenty-four presidential primaries between March and May. Inasmuch as Bush trailed Reagan by seven hundred and eighteen delegates and had lost every primary contest west of the Mississippi River, it seemed unlikely that he would make a creditable showing in the June 3 South Dakota primary. Bush, noting the burden of his substantial campaign debt and foreseeing the inevitability of a Reagan nomination, withdrew from the presidential race on May 26. Under the circumstances, it was a foregone conclusion that Reagan would win the South Dakota primary by a landslide margin. The official primary statistics were as follows:[15]

Reagan	72,861
Bush	3,691

While Carter was elected president in 1976, many Democrats were skeptical about the degree of his commitment to the activist tradition of the New Deal, Fair Deal, and New Frontier. During his second and third years in the White House Carter was blamed for the lingering energy crisis, constantly rising inflation, and an apparent inability to communicate with Congress. After hesitating for several months in the spring and summer of 1979, Senator Edward M. Kennedy of Massachusetts decided to challenge Carter for renomination. Kennedy, the last surviving male member of the nation's most illustrious political family, charged that Carter had consciously betrayed the longstanding liberal heritage of the Democratic Party. While Kennedy mounted a vigorous campaign against Carter, the President's statute was temporarily bolstered as the American people rallied behind his leadership during the early months of the Iranian hostage crisis. Kennedy's successes against Carter were limited to primary victories in the densely populated northeastern states of Massachusetts, Connecticut, New York, and Pennsylvania. By the week prior to the June 3 South Dakota primary Carter led Kennedy in convention delegates by a count of 1,386–756. Kennedy's only hope of overtaking Carter was to humiliate the President in all of the final eight primaries scheduled for June 3. In South Dakota Kennedy, carrying thirty-nine of the state's sixty-seven counties, outpolled Carter 33,418–31,231. While Kennedy also won June 3 primaries in Rhode Island, New Jersey, New Mexico, and California, he lacked sufficient delegates to block Carter's renomination. The South Dakota primary result, while embarrassing to Carter, had no bearing on the outcome of the fierce battle within the Democratic Party.[16]

In South Dakota's eight presidential primaries between 1952 and 1980 an average of 88,623 Republicans and 42,731 Democrats were to participate in the balloting. While these figures suggested voter apathy, it must be remembered that four of the eight Republican primaries and five of the eight Democratic primaries were uncontested. The maximum degree of vote involvement for the Republican Party occurred in the 1952 contest between Senator Taft and General Eisenhower, while the largest turnout for the Democrats was tabulated in the race between President Carter and Senator Kennedy in 1980. Among Republicans Ronald Reagan in 1980 received the greatest number of primary votes, while in the same year Edward M. Kennedy attracted a record Democratic vote for a victorious candidate for his party.

There was three principal reasons why the South Dakota primary had only limited influence in the preconvention presidential campaigns of the two major parties. They were as follows: (1) The comparatively small numbers of delegates allotted to South Dakota Republicans and Democrats; (2) The fact that the primary was always held at such a late date in the spring season; (3) The competition provided by such other more populous states as California, Ohio, and New Jersey.

In 1952 South Dakota accounted for only 14 of the 1,206 delegates (1.2%) to the Republican National Convention and a mere 8 of the 1,230 delegates (0.7%) to the Democratic National Convention. As South Dakota's population failed to grow with each passing decade, its political influence decreased in a proportionate manner. In 1980 South Dakota furnished 22 of the 1,994 Republican delegates (1.1%) and 19 of the 3,381 Democratic delegates (0.6%). Between 1952 and 1980 presidential candidates of the two major parties concentrated on winning primaries in such large states as Pennsylvania and California. Pennsylvania had 70 Republican delegates in 1952 and 83 Republican delegates in 1980, while the number of G.O.P. delegates from California increased from 70 to 168. For the Democratic Party the delegate totals were as follows:

	1952	1980
Pennsylvania	70	185
California	88	306

Between 1952 and 1980 the number of South Dakotans voting in presidential primaries dropped from 163,127 to 151,608. During the same period the nationwide total of citizens participating in such primaries increased from 12,729,421 to 31,438,276.

[12] Congressional Quarterly, May 27, 1972, pp. 1204–1205; June 10, 1972, p. 1314; Times, New York, N.Y., April 28, 1972, pp. 1, 72; May 16, 1972, pp. 1, 34, 35; Post, Washington, D.C., April 28, 1972, pp. 1, 2; May 16, 1972, pp. 1, 10; Gordon L. Weil, "The Long Shot—George McGovern Runs for President" (New York: W.W. Norton and Company, 1972), pp. 291–296; Stephen E. Ambrose, "Nixon: The Triumph of a Politician" (New York: Simon and Schuster, 1989), pp. 497–554; Herbert S. Parmet, "The Democrats; The Years After FDR" (New York: Macmillan Publishing Company, Inc., 1986), pp. 269–302.

[13] Lou Cannon, "Reagan" (New York: G. P. Putnam's Sons, 1982), pp. 210–226; Gerald R. Ford, "A Time to Heal; The Autobiography of Gerald R. Ford" (New York: Harper and Row, Publishers, 1979), pp. 333–388; "America Votes, 1976" (Washington: Congressional Quarterly, Inc., 1977), pp. 22–26; Post, Washington, D.C., June 2, 1976, pp. 1, 4; June 3, 1976, p. 16.

[14] Betty Glad, "Jimmy Carter; In Search of the Great White House" (New York: W. W. Norton and Company, 1980), pp. 229–259; Congressional Quarterly, May 15, 1976, pp. 1213–1214; June 5, 1976, pp. 1423–1424; Times, New York, N.Y., June 1, 1976, pp. 1, 42; June 2, 1976, pp. 1, 20; June 3, 1976, pp. 1, 29.

[15] "America Votes, 1980" (Washington: Congressional Quarterly, Inc., 1981), pp. 33–39; Congressional Quarterly, May 31, 1980, p. 1647; Post, Washington, D.C., May 27, 1980, pp. 1, 5; Times, New York, N.Y., May 27, 1980, pp. 1, B–9.

[16] William E. Leuchtenberg, "In the Shadow of FDR: From Harry Truman to Ronald Reagan" (Ithaca: Cornell University Press, 1983), pp. 202–206; Elizabeth Drew, "Portrait of an Election; The 1980 Presidential Campaign" (New York: Simon and Schuster, 1981), pp. 158–187; Congressional Quarterly, May 24, 1980, p. 1423; June 7, 1980, pp. 1949–1550; Times, New York, N.Y. June 3, 1980, pp. 1, B–10; June 4, 1980, pp. 1, 34; Post Washington, D.C., June 3, 1980, pp. 1, 4; June 4, 1980, pp. 1, 16, 17.

Unlike such early primary states as New Hampshire and Wisconsin, South Dakota's presidential primary has often been held either after candidates on the ballot have withdrawn or after the respective nominations have been settled. For the Democrats Senator Humphrey in 1960 and President Johnson in 1968 had withdrawn before the South Dakota primary. For the Republicans George Bush in 1980 had terminated his candidacy prior to the South Dakota primary. In 1956 Adlai E. Stevenson, who refrained from entering the South Dakota primary, was certain to be the Democratic nominee, while four years later John F. Kennedy, who also had not been on the South Dakota primary ballot, was within only a few votes of securing his party's nomination. Ronald Reagan had eliminated all his Republican competitors by the date of the 1980 primary. Only in 1952 and 1976 was the Republican nomination really in doubt by the date of the primary and only in 1968 and 1980 was the identity of the Democratic nominee yet to be determined. Interestingly, South Dakota favored Senator Taft in 1952 and former Governor Reagan in 1976, neither of whom prevailed at the Republican National Convention. Moreover, South Dakota chose Senator Robert F. Kennedy in 1968 and Senator Edward M. Kennedy in 1980, while the Democratic National Convention nominated other candidates.

If South Dakota had been the scene of the nation's only presidential primary in early June, it might have been more meaningful. Unfortunately, South Dakota was competing with populous California in seven of the eight presidential primary contests between 1952 and 1980. Since California was also the home states of such well-known presidential candidates as Richard M. Nixon, Ronald Reagan, and Edmund G. Brown, it attracted disproportionate attention in the media. Furthermore, South Dakota was in direct competition with New Jersey in 1968, 1972, and 1980 and with Ohio in 1980. In 1956 Governor Stevenson, while ignoring South Dakota, gained 68 delegates in the California primary. In 1964 Senator Goldwater lost the South Dakota primary to a slate of unpledged delegates, but won 86 delegates in California. Finally, in 1980 President Carter was defeated in South Dakota, but secured 89 delegates in Ohio. It was quite evident that the South Dakota primary had no harmful effects on Stevenson in 1956, Goldwater in 1964, or Carter in 1980. These candidates instead scored solid primary victories in states containing large blocs of delegates. Indeed by 1980 South Dakota accounted for only 22 of the 418 Republican delegates chosen in primaries on the first Tuesday in June and only 18 of the 696 Democratic delegates.●

REACHING OUT TO ORPHANS

● Mr. SIMON. Mr. President, I would like to recognize the efforts of the Orphan Foundation of America in initiating a program called Congratulate the Graduate. Last May in Illinois, 274 high school seniors prepared to graduate without a family to celebrate with them and recognize their achievement.

The Orphan Foundation of America is an organization dedicated to easing a young person's transition from the social service system to adulthood and independence.

Eileen McCaffrey Camara, the executive director, and Debra Bridgeforth have created a program in which new high school graduates, all orphans, will receive cards from other young men and women. The cards that I have read are warm and supportive, and the writers sincerely congratulate their fellow students on their accomplishment.

In turn, I would like to recognize and congratulate the Orphan Foundation of America for its service.●

TRIBUTE TO DR. ROBERT JENSEN

● Mr. SEYMOUR. Mr. President, I rise today in honor of the chancellor of the Rancho Santiago Community College District, Dr. Robert Jensen. Today in Orange County, a special community reception is being held for Dr. Jensen to congratulate him for his service to education on the occasion of his retirement.

Dr. Jensen and I have worked together on numerous education projects over the years. His dedication to California's community college system has been much appreciated throughout the State, and particularly in Orange County, where he has served the past 6 years.

Dr. Jensen has been chancellor of the Rancho Santiago Community College District since 1984, having come to Orange County from Sacramento, where he was president of American River College.

During his tenure as chancellor, Rancho Santiago College has grown each year in enrollment. In the 1990–91 academic year, it served more than 53,000 Orange County students. The college today also serves the educational needs of the country's diverse population with 40 percent of its student body comprised of Hispanic and Asian-Americans.

Through Dr. Jensen's leadership, Rancho Santiago College has strengthened its reputation as a college providing quality educational opportunities and as a college that cares about serving students. Some of the achievements of the college during Dr. Jensen's tenure include:

Development of the Orange campus, including the master planning of the new campus and the construction of four major buildings;

Expansion of the Centennial Education Center to provide more clasrooms for the college's continuing education program;

Opening of the RSC Transfer Center to assist and encourage students to transfer to 4-year universities and opening of the Tutorial Learning Center to help students succeed at RSC;

Development of several new programs to encourage high school and community college students from low-income families to enroll in college and stay in school, including Career Beginnings, Higher Ground, and STAR;

Development of an honors program at RSC and annual recognition programs for Chicano, Latino, and Asian scholars;

Opening of the Small Business Assistance and Training Center, the first of its kind in an Orange County community college;

Initiation of the 75th anniversary endowment fundraising campaign, which will result in RSC having its first major endowment fund to serve students through scholarships and special projects;

Winning the 1990 and 1991 State men's basketball championships.

Perhaps the most distinguishing feature of Dr. Jensen's tenure at Rancho Santiago College was his concern for students and for ensuring that the college provide services and classroom instruction that made it possible for all students, regardless of their background, to reach their educational and personal goals and to make a positive contribution to their community.

As Thomas Jefferson said: "Education, the ploughing and planting of human thought, produces the universal food of human progress." The fruits of Dr. Robert Jensen's labors have been bountiful.

I ask the Senate to join me in extending our congratulations and best wishes to Dr. Jensen.●

SILVIO CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT, S. 821

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Silvio Conte National Fish and Wildlife Refuge Act, S. 821. This legislation is designed for the preservation of the Connecticut River watershed, and as a dedication to our friend and colleague, Congressman Silvio Conte.

Shortly before his death last year, Congressman Silvio Conte, a man who dedicated much of his efforts toward the restoration of the Connecticut River and its watershed, introduced the Connecticut River National Fish and Wildlife Refuge bill. Mr. Conte's goal was to prevent the impending, spoilation, ecological downgrading, and subsequent removal from public access of the Connecticut River.

The Connecticut River Valley is inhabited by 2 million people and traverses four of the six New England States. The river links the States by commerce, transportation, and energy supply, and empties into the Long Island Sound providing the sound with 70 to 80 percent of its incoming fresh water. The region where the Connecticut River enters the Long Island Sound is also of great significance to the survival of fish and wildlife.

S. 821 directs the U.S. Fish and Wildlife Service to define, designate, and map refuge boundaries within the Connecticut River Valley over the next 3 years in order to save it from potential ruin. I concur with Mr. Conte's belief that it is also critical to the survival of

the region that there be a constituency committed to its health. By providing the public with easy access to the river and establishing public educational systems, this goal can be achieved. In addition, it is wholly appropriate to dedicate this act to Mr. Conte, a man who strived to conserve our country's natural resources.●

IN RECOGNITION OF DONALD F. KARCHER

● Mr. SEYMOUR. Mr. President, on behalf of the Orange County Red Cross and the many, many individuals who have benefited from the services Red Cross provides, I stand today in recognition of Donald F. Karcher, the outgoing chairman of the Orange County chapter's board of directors.

Don Karcher has been a member of the Board since 1978 and has served as chairman from 1989 to 1991. Some of the highlights of his tenure as chairman follow:

The Orange County Chapter Disaster Emergency Services has responded to 398 disasters affecting 303 families and 11,974 individuals;

The chapter processed 17,022 disaster welfare inquiries following the Loma Prieta earthquake;

The Orange County chapter sent and received more than 1,600 emergency communication messages during Operation Desert Storm from family members of military personnel serving in the gulf.

These and numerous other accomplishments can be credited to Don Karcher's years of leadership to the American Red Cross' Orange County chapter.

Albert Schweitzer said, "I have always held firm to the thought that each one of us can do a little to bring some portion of misery to an end." Through his work with the Red Cross, Don Karcher has done a lot to ease the misery caused by disasters, through the Red Cross' well-known efforts to promote disaster preparedness and effectively respond when disasters do occur.

I ask the Senate to join me in thanking Don for his tireless devotion to his fellow man and in upholding him as an example for all Americans to emulate in volunteering freely in service to others.

At this point, in honor of his outstanding service to his community, I would ask that Mr. Karcher's biography be printed in the RECORD.

The biography follows:

DONALD KARCHER PROFILE

Donald Karchar is President and Chief Operating Officer of Carl Karcher Enterprises which, along with its franchisees and licensees, operates more than 580 Carl's Jr. Restaurants in California, Nevada, Arizona and Oregon, Mexico and Japan.

Karcher previously was Executive Vice President, Senior Vice President, and prior to that served as Vice President of Operations for ten years. He joined the company in 1954 when it consisted of five hot dog stands in Los Angeles and a drive-in restaurant in Anaheim.

In addition to his executive responsibilities, Karcher devotes time to a wide variety of civic activities. He is a member of the Board of Directors of Anaheim Visitor and Convention Bureau; National Restaurant Association; California Restaurant Association; Cypress College Foundation; Loyola Marymount University; Orange County Chapter, American Red Cross; Anaheim Stadium, Inc.; United Way; also, Executive Advisory Council, Cal Poly Center for Hospitality Management; University Advisory Board at California State University, Fullerton; Presidential Advisory Council, Chapman College; and Chapman General Hospital Board of Governors.

In 1980 he was honored with a Silver Circle Award by the Foodservice Association of Marketing Executives. The Orange County Chapter, American Red Cross named Karcher the first recipient in 1984 of the Orange County Spirit Award. Cypress College honored him at its Tenth Annual Americana Man-of-the-Year Dinner in 1985. The First Friday Friars organization in Orange County voted him 1989 Man-of-the-Year. The Orange County Chapter National Conference of Christians and Jews awarded Karcher its 1990 Humanitarian Award.

Karcher and his wife, Dorothy, live in Anaheim; they are the parents of four children.

Mr. BYRD. Mr. President, I take the floor at this time to express my appreciation to the distinguished Senator from New York [Mr. MOYNIHAN] and the distinguished Senator from Idaho [Mr. SYMMS] for the preeminently excellent leadership they both displayed during the debate on the highway bill. I found them to be a great team. They were both very considerate of all Senators. I felt they were especially considerate of me, and they were most helpful to me in hammering out the amendment which was adopted by the Senate and which I had offered earlier. I found their advice to be always good. I found them to be stalwarts in their support of the amendment, never wavering in any manner.

And so I am grateful to Senator MOYNIHAN and Senator SYMMS, not only for their help to me and their support of my amendment, but also for the wisdom which they have demonstrated, the leadership they have contributed, and for the dedication to the Nation's interests that they have shown.

The Senator from New York is one at whose patience and equanimity I marveled. He was always in good humor. We all love him for his ready wit. His heart is "as stout as the Irish oak and as pure as the lakes of Killarney."

PAT MOYNIHAN is a very special person in the Senate. He has provided inspiration to me in many ways, and I hope to be able to emulate him in his ability to roll with the punches, listen to the concerns of others, take the criticism of some with respect to the work product, and always smile and show himself to be a good workman and a good sport.

I also thank my leader, Senator MITCHELL, for calling the meetings in his office from time to time with respect to my amendment.

I thank Mr. DOLE, the Republican leader. I especially thank Mr. DOLE for not offering the amendment today which we had understood on yesterday would be offered.

Mr. DOLE is a resourceful, intrepid, skillful fighter when it comes to parliamentary tactics. He is always in good humor, known very much all over the country for his ready wit, and an individual who is so very likable and, as far as I am concerned, my favorite Republican.

I thank all other Senators who have worked hard on this bill, those who won on their amendments and those who lost on their amendments, those who supported me on the amendment I had offered and those who opposed it. Together, we have passed a good bill.●

HAPPY BIRTHDAY TO SENATOR BURDICK

Mr. BYRD. Mr. President, I am glad that the majority leader called attention to the birthday of our venerable colleague from North Dakota, Mr. BURDICK. I served in the House of Representatives a good many years ago with QUENTIN BURDICK'S father. His father was a Republican, a large man, one who often voted with the Democrats, and who was often able to cause the House, with its 435 Members, to laugh.

QUENTIN BURDICK is a valuable member of the Appropriations Committee, which I chair. He is always punctual in his attendance, and he always votes.

I congratulate QUENTIN BURDICK on his birthday, and I shall close my remarks with a bit of verse which I did not compose but which I think all of my colleagues would want to join me in saying:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.

Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful June afternoon,
Count your age by friends, not years.

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

The PRESIDING OFFICER (Mr. AKAKA). The absence of a quorum is suggested by the President pro tempore. 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. Without objection, it is so ordered.

CONGRATULATIONS TO THE MANAGERS OF THE BILL

Mr. MITCHELL. Mr. President, I want to add just a brief word of congratulations to the managers of the bill, the distinguished Senator from New York and the distinguished Senator from Idaho, for their diligent efforts to bring about final passage of the Surface Transportation Act.

It was a difficult process. It covered a period of nearly 2 weeks. There were many contentious issues, and a long road ahead on this bill because the House has yet to act, and there remains, of course, the conference. But at least we have taken one significant step forward in passing this bill.

And a great deal of the credit deservedly goes to Senator MOYNIHAN and Senator SYMMS. They conceived, wrote, and shepherded this bill through to final passage.

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.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I understand the distinguished Senator from California will be doing what we call wrap-up. I wanted to inform him that I have looked at each of the matters to be processed, and they have all been cleared on this side.

I thank the Senator from California.

Mr. CRANSTON. I thank the distinguished Senator from Kansas, the Republican leader, and I wish him well tonight.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominees, reported today by the Committee on Armed Services:

Donald J. Yockey, to be Under Secretary of Defense for Acquisition;

Gen. Gordon R. Sullivan, to be Chief of Staff of the Army;

Maj. Gen. Horace G. Taylor, to be promoted to lieutenant general;

Gen. Carl E. Vuono, to be placed on the retired list as general;

Maj. Gen. J.H. Binford Peay III, to be lieutenant general.

I further ask unanimous consent that the nominees be considered and confirmed en bloc; that any statements appear as if read in the CONGRESSIONAL RECORD; that the motions to reconsider be tabled; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The nominations, considered and confirmed en bloc, are as follows:

Donald J. Yockey to be Under Secretary of Defense for Acquisition;

Gen. Gordon R. Sullivan to be Chief of Staff of the Army;

Maj. Gen. Horace G. Taylor to be promoted to lieutenant general;

Gen. Carl E. Vuono, to be placed on the retired list as general, and

Maj. Gen. J.H. Binford Peay III, to be lieutenant general.

STATEMENT ON NOMINATION OF GEN. GORDON R. SULLIVAN

Mr. DOLE. Mr. President, the President's nomination of Gen. Gordon R. Sullivan for Chief of Staff of the U.S. Army, having been reported out without a single dissenting vote by the Committee on Armed Services, now comes before the full Senate for consideration. I strongly urge his immediate and unanimous confirmation.

General Sullivan is no stranger to this body nor to me. His over 30 years of service to our Nation are marked by excellence and superior judgment. His decorations include the Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star, and Purple Heart. These are just a few testimonies to his dedicated service.

We are confronted with rapid change and uncertainty. General Sullivan brings the right combination of hands-on experience and thoughtful perspective that are vital to meeting the challenges of these volatile times.

With 11 years of service in Europe and 4 years in the Asian theater, General Sullivan understands the fundamental changes that are taking place in the international environment.

He is personally responsible for developing the outstanding leadership, joint operational doctrine, and tactical proficiency that were the key to our success in the Persian Gulf.

As the Vice Chief of Staff of the Army during Desert Shield and Desert Storm, General Sullivan maintained close personal contact with the field commanders, ensuring they had what was needed to do the job. His support and guidance were critical elements to that victory.

It is command that truly distinguishes great leaders. And General Sullivan's record as commander of the 1st Brigade, 3d Armored Division, commander of the 4th Battalion, 73d Armored, 1st Infantry Division, and commanding general of the 1st Infantry Division speak for themselves.

But most of all, Gen. Gordon Russell Sullivan is a soldier's soldier. He has continuously worked to improve the quality of life of our Army personnel and their families.

The challenges ahead are, indeed, difficult and complex: A dynamic international environment, a shrinking defense budget, and perhaps new and emerging threats in the world. But in my view, Gen. Gordon Sullivan is exactly the right man at exactly the right time to lead the Army into the future.

I urge my colleagues to join me in supporting the President's nomination of Gen. Gordon Russell Sullivan as the next Chief of Staff of the U.S. Army.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER FOR SENATE ACTION ON HOUSE SURFACE TRANSPORTATION MEASURE

Mr. CRANSTON. Mr. President, I ask unanimous consent that upon the receipt from the House of a surface transportation measure not containing a revenue component provision, without intervening action or debate, all after the enacting clause of said House measure be stricken; the text of S. 1204, as passed by the Senate, be inserted in lieu thereof; and the act be deemed read three times, passed, and the motion to reconsider be laid upon the table; and that the Senate at that point be deemed to have insisted upon its amendment, requested a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that should the House return S. 1204, the Surface Transportation Efficiency Act of 1991, with any amendment, the Senate, without any intervening action or debate, disagree to the amendment or amendments of the House, and either agree to a conference or request a conference, as may be appropriate, on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

ORDER TO PRINT S. 1204

Mr. CRANSTON. Mr. President, I ask unanimous consent that S. 1204, as passed, be printed.

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

ORDERS FOR TOMORROW

Mr. CRANSTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Thursday,

June 20; that following the prayer, the Journal of the proceedings be deemed approved to date, and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein; that during the period for morning business, Senator BINGAMAN be recognized to speak for up to 30 minutes; further that at 10:30 a.m., the Senate proceed to the consideration of Calendar No. 110, S. 1241, the crime bill; that once the bill is before the Senate on Thursday, there be debate only from 10:30 to 1 p.m.

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

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. CRANSTON. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 10 a.m., Thursday, June 20.

There being no objection, the Senate, at 8:12 p.m., recessed until Thursday, June 20, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1991:

THE JUDICIARY

EUGENE E. SILER, JR., OF KENTUCKY, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT VICE HARRY W. WELLFORD, RETIRED.

JORGE A. SOLIS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS VICE ROBERT W. PORTER, RETIRED.

DEPARTMENT OF JUSTICE

KAREN K. CALDWELL, OF KENTUCKY, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS VICE LOUIS G. DEFALAISE, TERM EXPIRED.

JOHN F. HOEHNER, OF INDIANA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS VICE JAMES G. RICHMOND, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN W. FOSS [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD W. JONES [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. SIDNEY SCACHNOW [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 628:

To be brigadier general

COL. JAMES J. STEELE [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be general

LT. GEN. JOSEPH P. HOAR [redacted] USMC.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ERNEST T. COOK, JR. [redacted] USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ROBERT B. JOHNSTON [redacted] USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. WILLIAM M. KEYS [redacted] USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ROYAL N. MOORE, JR., 545-40-0929, USMC.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 19, 1991:

DEPARTMENT OF DEFENSE

DONALD JAY YOCKEY, OF CALIFORNIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. CARL E. VUONO [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE ARMY AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 3033:

To be chief of staff of the Army

To be general

GEN. GORDON R. SULLIVAN, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 610(A):

To be lieutenant general

MAJ. GEN. HORACE G. TAYLOR, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), AND TO BE APPOINTED AS SENIOR ARMY MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711:

To be lieutenant general

To be senior Army member of the Military Staff Committee of the United Nations

MAJ. GEN. J.H. BINFORD PEAY, III [redacted] U.S. ARMY.

HOUSE OF REPRESENTATIVES—*Wednesday, June 19, 1991*

The House met at 10 a.m.

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

Teach us always, O God, to do not only what must be done, but to focus also on what should be done. We know that many issues press upon us and demand action, but we also know that the critical and decisive moments of life are when we choose the direction we should take and the route we should follow. Enable us, O God, to lift our vision to see the path of justice and the road of service, so we will reflect Your grace and do the works of truth and mercy. In Your name, 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.

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 110, answered "present" 1, not voting 30, as follows:

[Roll No. 165]

YEAS—291

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
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
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—110

Allard
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Fawell
Fields
Franks (CT)
Gallo
Gekas
Goodling
Goss
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Inhofe
Ireland
Jacobs
James
Jones (GA)
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Nussle
Packard
Paxon
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Wolf
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Taylor (NC)

NOT VOTING—30

Condit
Conyers
Edwards (OK)
Ford (TN)
Gallegly
Gephardt
Gilchrest
Gingrich
Hatcher
Hopkins
Hunter
Jefferson
Lancaster
Levine (CA)
Lewis (CA)
Lloyd
Michel
Mrazek
Oberstar
Rose
Savage
Schumer
Serrano
Spence
Vander Jagt
Weber
Weldon
Wilson
Wise
Young (AK)

□ 1026

Mr. COX of Illinois changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). Would the gentleman from Wisconsin [Mr. PETRI] kindly come forward and lead the House in the Pledge of Allegiance.

Mr. PETRI 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.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING 5-MINUTE RULE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be permitted to sit today for the

consideration of the Financial Institutions Safety and Consumer Choice Act of 1991 while the House is sitting for amendment under the 5-minute rule.

The ranking minority member of the committee, the gentleman from Ohio [Mr. WYLIE], has been informed of this request.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will allow 10 1-minute statements on each side of the aisle.

BLUE CROSS AND BLUE SHIELD DOES THE RIGHT THING: PREVENTIVE HEALTH CARE

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

Ms. OAKAR. Mr. Speaker, when private insurance companies do the right thing, we should commend them. I was very pleased to see that Blue Cross and Blue Shield, in their private insurance packages, will be offering a screening package for early detection, outlined yesterday, which includes tests for breast, colon, cervical, and lung cancer, heart disease, hypertension, diabetes, thyroid disease and osteoporosis.

Mr. Speaker, preventive health care is so important. Very few policies, private or public, have prevention as part of their policy.

Mr. Speaker, the only thing I disagree with is they should not have to raise their rates, because over a 3-year period, if they analyze all the extensive health delivery they will not have to give because of early detection or prevention, the rates should not be increased.

Mr. Speaker, I do want to compliment Blue Cross and Blue Shield. Let us hope they follow through, and other private and public insurance programs also include preventive health care.

□ 1030

REDUCTION OF HEALTH CARE PAPERWORK

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

Mr. COMBEST. Mr. Speaker, recently I introduced H.R. 2625, the Paperwork Reduction in Health Care Act of 1991. This bill is the first of a series of legislation that I will support as part of my FAIR campaign, which is the fight against intrusive regulations.

The bill directs the Secretary of Health and Human Services and the Director of OMB to gauge the burden of federally initiated paperwork requirements associated with the delivery of health care. A national goal is established to reduce the burden of paperwork by at least 5 percent for the next 5 years.

Recent Harvard and GAO studies have concluded there is a potential to save $100 billion in health care paperwork costs.

We have all heard horror stories from our constituents regarding the paperwork burdens from Medicare and Medicaid. More than one-fifth of all health care dollars are spent on administrative costs. A doctor's staff spends almost 1 full day each week filling out Government forms.

I would encourage my colleagues to cosponsor the Paperwork Reduction in Health Care Act of 1991.

MEDICARE RIPOFF OF SENIORS

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

Ms. DELAURO. Mr. Speaker, I can hardly believe it, but yesterday I read that the Federal Government has been overcharging senior citizens for health care costs to the tune of $1 billion a year.

Mr. Speaker, let me just express the exasperation of my constituents. How can this administration keep pocketing people's hard-earned tax dollars, even when they are eligible? Why does this administration always start its budget cutting with seniors and the poorest seniors at that?

It seems that an extra $30 a month has been deducted from the Social Security paychecks of thousands of poor elderly Americans, those making less than $6,600 a year. That is 5 percent of their annual income. In many cases these seniors have been unnecessarily charged for medical expenses.

The shame is that these overcharges are occurring simply because those eligible for the refunds are unaware that they can apply. Mr. Speaker, it looks like dirty pool to me when a relief program is created for hard-working people and then kept a secret from those who are eligible to benefit. I think the American people are becoming tired of an administration that cares more about maintaining tax breaks for the wealthy than in providing tax relief to the middle class and has no plan to address the rising costs facing average families.

Mr. Speaker, this policy violates the trust that we have with the American people. I call on the administration to find its way back to the right course.

INCOME-DEPENDENT EDUCATION ASSISTANCE ACT

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

Mr. PETRI. Mr. Speaker, all across America college and graduate students have received their diplomas and have headed off to the job market, only to find that many companies stopped making job offers months ago. There's a recession on, and the picture for many of these students is bleak.

They're scared. They have bills to pay. And their most pressing source of debt is their education loans.

I have proposed a major student loan bill, the Income-Dependent Education Assistance Act—known as IDEA for short.

IDEA loans would be perfect for students who graduate in times of recession.

Under IDEA, there would be no fixed repayment schedule. Rather, repayment would be geared to the incomes of the borrowers, and would be stretched out automatically as long as needed.

Those with high incomes after leaving school would be expected to repay relatively quickly and at slightly higher effective interest rates. Repayment would be collected as a part of one's income taxes.

The IDEA Program has been carefully crafted to provide affordable student loans at reasonable rates, and at little or no cost to the taxpayers.

And any student who graduated during a recession would easily appreciate the advantage of the income-contingent aspect of the program—the aspect which would automatically reschedule repayment so that you pay faster when you are doing well financially, and more slowly when you are having a tough time making ends meet. That can help a lot when there's a recession.

Mr. Speaker, I am seeking cosponsorships, and those interested can find more information on IDEA on page 11218 of the May 16 CONGRESSIONAL RECORD.

MEDICARE PHYSICIAN REGULATORY RELIEF AMENDMENTS OF 1991

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

Mr. ROWLAND. Mr. Speaker, today I am introducing the Medicare Physician Regulatory Relief Amendments of 1991.

In the last Congress, more than one-half of my colleagues joined me in cosponsoring legislation, which was enacted through the reconciliation process, to provide significant regulatory relief for this Nation's physicians treating our elderly in the Medicare Program.

Then, as now, the feeling was strong that unnecessary and unduly com-

plicated administrative requirements ought not be dissuading our physicians from accepting new Medicare patients. Equally as strong, I believe is the shared sentiment that certain unnecessary regulatory burdens may be driving up the cost of medical care without demonstrable benefit at a time when Americans are asking for more affordable health care for all.

As was the case last year, this bill will send an important positive signal to physicians that the Congress is willing to cut through some of the redtape that binds them as they practice in the Medicare Program.

The legislation proposes to accomplish the following:

Amend existing Medicare secondary payer [MSP] authority to prohibit HCFA from denying a physician payment for medically necessary covered services where patient noncompliance with an independently generated questionnaire is in question.

Allow HCFA to use so-called extrapolation for case identification purposes but give the physician the option of requiring the carrier to show cause by producing evidence of specific payment errors in a given calendar quarter before actual recoupment going back over a number of years is demanded.

Prohibit HCFA from charging physicians for: First, filing paper claims, second, claim filing errors or claims that are rejected, third, charging physicians or patients for the costs of unsuccessful appeals, fourth, applications for unique provider identification numbers [UPIN], and fifth, medical review requirements.

Require HCFA to consider input from State medical societies in the annual carrier performance evaluations.

Allow physicians to file administrative appeals when the carrier has failed to or improperly implemented Medicare policy as established by the Secretary.

Require that all medical necessary denials under the Medicare Program be reviewed by appropriately licensed physicians for the same medical specialty as the physician providing the service.

Repeal peer review precertifications for all surgical procedures.

Allow substitute billing for locum tenens physicians.

I invite my colleagues to join me once again in cosponsoring the 102d Congress Medicare physician regulatory relief bill.

SMALL BUSINESS AMENDMENT TO H.R. 5

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

Mr. BARRETT. Mr. Speaker, proponents of the small business exemption amendment to H.R. 5, the antistriker replacement bill, are trying to convince Members to support the measure since they claim that small businesses won't be affected.

As amended, H.R. 5 would create a separate labor category for union employees and nonunion—presumably small business—employees. Today, union and nonunion workers receive equal protection against being permanently replaced, if the employer commits an unfair labor practice.

But under H.R. 5, that protection is greatly expanded in favor of union employees, and discriminates against small business workers, by excluding them from the bill's protection.

What this so-called small business exemption amendment really does, is create the ultimate inducement for unions to bolster their membership roster, at the expense of small businesses. What better selling gimmick can unions use, than to say to small business workers strike, you can't be replaced because you're a union member.

No doubt about it Mr. Speaker, the so-called small business exemption amendment makes a bad bill worse. It reclassifies H.R. 5 from the antistriker replacement bill, to what it really is—a recruiting tool for union membership from a small business employees bill.

I urge my colleagues to oppose H.R. 5.

REACTION TO CONTINUED DEVELOPMENT OF WEST BANK AND GAZA STRIP

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

Mr. BRYANT. Mr. Speaker, in the last 2 months, the Likud government of Israel has taken more land from the Palestinians in the West Bank than the previous 2 years. Between Secretary of State Baker's first postwar peace mission to Israel on March 9 and his second visit on April 9, more than 20,000 acres was taken from Arab landowners.

I submit to my colleagues that it is no longer possible not to conclude that the policy of the Likud government of Israel to accelerate expansion in the settlements in the West Bank and Gaza Strip is wrong and that continued silence of this House is wrong as well.

Today I will offer an amendment to the foreign aid authorization bill to place in escrow that part of Israel's $3 billion in foreign aid equal to the sum our State Department says the Likud government spent in 1990 on settlements in the West Bank. That is $82.5 million.

I urge my colleagues to join me in voting to protect Israel's high moral standing from these Likud coalition policies, to protect the peace process and to protect the reputation for fairness of the United States of America.

STRIKER REPLACEMENT BILL WILL HURT SMALL BUSINESS WORKERS

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

Mr. IRELAND. Mr. Speaker, striker replacement legislation is designed to stop business owners from permanently replacing workers who walk off the job for more money, or better benefits, or other economic reasons.

Supporters of H.R. 5 want to cast it as a David-and-Goliath-type issue with poor union workers as David and huge corporations as Goliath.

In fact, these people want to ignore the very real—and very damaging—impact the bill would have on our Nation's smaller firms, and on their nonstriking employees.

Quite simply, this bill is bad for small business. What's at stake is not simply who has the upper hand in labor negotiations between the AFL–CIO and corporate America.

What is at stake is American jobs generated by the 20 million small businesses in every district in the country.

My colleagues, let us not sell out small business interests to big labor bosses. Vote against H.R. 5.

My colleagues, it is easy to say that you are all for small business. But it is how you vote that really counts.

□ 1040

TRIBUTE TO ALBERT BENJAMIN "HAPPY" CHANDLER

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

Mr. HUBBARD. Mr. Speaker, on Monday of this week I was among hundreds of Kentuckians at our State capitol in Frankfort who came to pay tribute to the late Gov. Albert Benjamin "Happy" Chandler, who died last Saturday at his home in Versailles, KY, at age 92.

Kentucky Gov. Wallace Wilkerson arranged that 2 days after his death the public could visit the casket holding the former U.S. Senator and Governor of Kentucky in the rotunda of the State capitol.

Then yesterday an impressive funeral service for Governor Chandler was held at Memorial Hall on the campus of the University of Kentucky, the institution "Happy" Chandler loved and where the Albert B. Chandler Medical Center is a reminder of his efforts to promote the University of Kentucky throughout his public life.

Former baseball commissioner Bowie Kuhn honored former baseball commissioner "Happy" Chandler in an opening eulogy in which he said he considered himself an adopted son of Governor Chandler, whom he said was probably

baseball's most memorable and colorful character.

University of Kentucky President Charles Wethington was eloquent in his eulogy. Dr. Wethington said Governor Chandler was "without doubt, University of Kentucky's biggest fan and strongest supporter." Dr. Wethington noted that Chandler was elected twice as Kentucky's U.S. Senator and served two 4-year terms as Governor of Kentucky.

Governor Chandler sang at his own funeral through a recording of "My Old Kentucky Home," which he frequently sang at University of Kentucky basketball games and which he sang at a wedding at First Baptist Church, Whitesburg, KY, on February 12, 1984, when my wife Carol and I were married. There were only a few dry eyes in the crowd yesterday as "Happy" Chandler was heard at his own funeral.

The final tribute at yesterday's funeral service was delivered by Governor Wilkinson. Everyone I spoke with after the funeral was complimentary of the tremendous eulogy given "Happy" Chandler by his loyal friend Governor Wilkinson.

Some Kentuckians agree that two political happenings kept Governor Chandler optimistic about the future during this calendar year.

One was the privilege to serve on the Board of Trustees at the University of Kentucky, a coveted position to which Governor Chandler was appointed by Governor Wilkinson.

The second was the campaign by his grandson and namesake, Albert Benjamin Chandler III, for the Democratic Party nomination for State auditor of Kentucky. The election was May 28 and young Ben Chandler was a landslide winner. A photo that went statewide in Kentucky was that of "Happy" Chandler and his grandson Ben celebrating the victory on May 29.

My wife Carol and I extend our sympathy to the family of "Happy" Chandler.

Chandler is survived by his lovely wife, the former Mildred Watkins of Keysville, VA; their two sons. A.B. "Ben" Chandler, Jr., of Versailles, and J. Dan Chandler of Las Vegas, and two daughters, Mimi Lewis of Versailles and Marcella Miller of Wilson, NC.

Chandler's other survivors include a half-sister, Mary Catherine Bolin of Lexington, KY, 12 grandchildren and 9 great-grandchildren.

WELCOME TO BORIS YELTSIN AND MANGOSUTHU BUTHELEZI

(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, today Washington is honored with the presence of two historic visitors, Boris Yeltsin, President of the Russian Republic, and Mangosuthu Buthelezi, chief of the Zulus and President of the Inkatha Freedom Party in South Africa.

Both the Soviet Union and South Africa are going through an incredible period of change, and in both countries we see the elimination of barriers to freedom and democracy. In both countries, however, we have seen a false picture presented to the American people.

In the Soviet Union, the media has presented us a picture of Mikhail Gorbachev as the reformer and democratizer. We are now becoming aware that Gorbachev represents communism's last gasp. His popularity is limited and dwindling, and his true commitment to democracy is in question. Similarly, the American people have a picture of South Africa in which Nelson Mandela is portrayed as the hero. Mandela's ANC has always been allied with the very same Communists the Russians are now trying to get rid of, and it has used burning tires around the necks of its opposition to terrorize them into submission.

I welcome Chief Buthelezi, and we welcome Boris Yeltsin, and I would think that these people are consistent with the values of the American people. We should be on their side and the side of democracy in the Soviet Union and in Russia and in South Africa.

TRIBUTE TO THE KENDRICK HIGH SCHOOL BAND OF COLUMBUS, GA

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

Mr. RAY. Mr. Speaker, Columbus, GA, the home of Fort Benning and a symbol of historic significance, is noted for its outstanding educational institutions. I want to pay tribute today to one of those, the Kendrick High School.

The 1992 Tournament of Roses in Pasadena, CA, this year will mark the 500th anniversary of the founding of our great country. It will be a tribute to Christopher Columbus' discovery of America and, consequently, I want to commend the Marching Cherokees of the Kendrick High School in Columbus, GA, for its having been selected to participate in the 1992 Tournament of Roses parade.

The Kendrick High School Band will be only 1 of 22 bands from around the world participating in this event. It is, I am advised, the only band from the States of Georgia, Florida, South Carolina, North Carolina, the Southeastern United States, which was accepted.

I am certain that the Marching Cherokees will be a very good representative for the city of Columbus and for the State of Georgia at this historical event. One indication of the band's high reputation was its having been chosen to represent the entire State of Georgia at the 1990 Cherry Blossom Festival in Washington, DC.

Mr. Speaker, in closing, praise is due Kendrick High School's principal, Gerald Carey, and all of those good people who have made this possible.

H.R. 5 TOO DRASTIC FOR THE CARTER ADMINISTRATION

(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, when the Carter administration considered sweeping revisions to the National Labor Relations Act in the 1970's, banning the use of permanent replacement workers—as proposed by H.R. 5—was not included in these plans. The Carter White House rejected the concept as being infeasible, recognizing that such a ban would lead to increased labor disputes and inflationary wage increases.

During the 1980's, the number of strikes declined. Both labor and management realized that the only way to survive in a competitive international marketplace was through cooperation. H.R. 5 seeks to reverse this trend of cooperation and conciliation by giving unions and their members a privileged position over all other workers, while tipping the balance in Federal labor law overwhelmingly in their favor.

On this issue, President Carter was correct in opposing the elimination of replacement workers. Enactment of H.R. 5 would lead to more strikes, increase the rate of inflation, and give unions all the power in labor negotiations. Please join me in opposing H.R. 5.

SAYONARA TO AMERICAN JOBS

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

Mr. TRAFICANT. Mr. Speaker, the Firestone Rubber Co. of Akron, OH, now known as Bridgestone and owned and controlled by the Japanese, is moving to Tennessee.

While Boris Yeltsin is in America saying hello and asking for money from Congress, it is sayonara time to Akron rubber, sayonara time to Youngstown's Pittsburgh steel, sayonara to Detroit cars, sayonara to phones in Shreveport, sayonara to banks in New York, sayonara to farms in Iowa, sayonara to coal in West Virginia, sayonara to textiles in the South, and sayonara to American jobs.

But do not worry, Congress. We are developing a whole new great industry in America: unemployment. My district knows all about it.

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THE H.R. 5 STRIKER REPLACEMENT BILL

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

Mr. BALLENGER. Mr. Speaker, the H.R. 5 striker replacement bill will have devastating effects on the economy of this Nation.

During a strike, more than the employer's company is hurt. When a company's production is lowered due to striking employees, the economic effect reaches all companies that are involved in the supply and retail activities of the initial company.

Reaching an agreement over a strike requires compromise on the part of both the employer and the union. H.R. 5 would give unions an incredible amount of extra leverage in their negotiations. With no risk of losing their jobs, union members would continue to hold out for higher wages and more benefits, thus increasing labor costs.

If an employer is forced to agree to higher wages in order to bring an end to a strike, he will undoubtedly pass this cost on to the consumer. Higher prices will lead to inflation and a decline in demand for goods produced in this industry.

With our economy in its current state, we can't afford such an imbalance in business costs and the inflation that it would create. The prospects of our country to come out of the recession would be significantly reduced with the added costs of strikes to the business community.

H.R. 5 does not succeed in giving unions a fair position in labor negotiations. It tilts the scale too far toward the side of unions, giving them much more leverage than employers would have. The increased number of strikes caused by H.R. 5 will lead to an increase in labor costs and ultimately higher inflation. We cannot afford the economic effects of H.R. 5.

START THINKING ABOUT THE AMERICAN WORKER

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

Mr. APPLEGATE. Mr. Speaker, it takes a lot of gall. China is warning the United States that if we do not give them most-favored-nation status, a very special tax break to ship all of their goods into the United States, they are going to retaliate.

You have got to say, "How are they going to retaliate?" They are going to cut back on the political and economic relationships with the United States. That is a little like Willie Sutton telling the bank president, "Do not lock your bank vault or I am not going to bank there anymore."

China wants special tax breaks with no conditions so that they can go about their merry way to ship in slave-labor-made products into the United States and telling us do not interfere with their right to kill their people because they want to speak freely or denying them their human and civil rights; "Just take our products made with slave labor," and the American workers are going to go on unemployment, and their jobs are going to go to China.

I think we ought to start thinking about the American worker for a change, and while we are at it, let us think about the American veterans who fought for over 200 years to defend the precious freedoms that we have, and now we are going to recognize countries like China.

□ 1050

INTRODUCTION OF AIRPORT AND AIRWAY TRUST FUND INTEGRITY ACT OF 1991

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

Mr. LEWIS of Florida. Mr. Speaker, today I introduced, along with the gentleman from California [Mr. MINETA] the Airport and Airway Trust Fund Integrity Act of 1991. This legislation has two components. It takes the trust fund off budget and repeals the tax increases of last year.

In just 3 years the aviation trust fund surplus has increased almost 100 percent, to over $15 billion. This is despite the fact that the money from the tax increase was earmarked for the general fund for other programs.

Because this money is on the budget it is not being spent for important programs such as research into aviation safety. It is simply sitting there to offset the deficit.

Mr. Speaker, the tens of millions of flying Americans deserve to know that their ticket tax is being spent to enhance their safety, not sitting idle or being spent elsewhere.

My colleagues, you can help provide this peace of mind by cosponsoring the Airport and Airway Trust Fund Integrity Act of 1991.

RESTORE LABOR-MANAGEMENT NEGOTIATIONS BALANCE

(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, we are going to have a chance here in the House of Representatives in the very near future to decide whether we want a solution or we want a political issue. What I am talking about in particular is the issue that has come out of the Committee on Education and Labor known as striker replacements. I will be the first to suggest that I think there is indeed a problem with labor-management negotiations today. Not universally, not in the majority of times, but in a couple of rare examples.

Certainly those who look at the Lorenzo situation, those who look at the Greyhound situation quickly recognize there have been cases in recent times where as a result of unfriendly takeovers, and frankly, bad faith negotiations, efforts have been made to simply eliminate a collective bargaining unit.

Now, my problem with the activities that have come out of the Committee on Education and Labor is even if we recognize, as I have, that there is a problem, they do not want a solution, what they want is a political issue. The goal ought to be to restore balance to labor-management negotiations. The goal ought to be to solve the problems with the National Labor Relations Board so that they can quickly go in and determine whether or not parties are conducting good faith labor negotiations.

Unfortunately, that only hope is going to be offered to Members in what is known as the Goodling substitute, so we in this House will have a chance to decide, do we want to solve the problem or do we want to posture for political issues? I hope it is the former.

LOUISIANA PASSES NATION'S MOST PROTECTIVE LAW

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

Mr. SMITH of New Jersey. Mr. Speaker, last night the Louisiana Legislature overrode the Governor's veto and passed the most protective law in the Nation for unborn children. The law will protect the unborn from death by abortion except when the pregnancy endangers the mother or when the pregnancy results from rape or incest.

Prior to yesterday's action, unborn children in Louisiana like the rest of the Nation had no protection whatsoever—at any point in pregnancy. Contrary to misinformation that has been advanced by the abortion lobby, the U.S. Supreme Court's 1973 decisions in Roe versus Wade and Doe versus Bolton did not provide any measure of protection for the unborn. In fact, the decisions struck down every protective abortion law that was on the books at the time.

Consistent with practically every other abortion law that has been enacted in our Nation, the Louisiana law does not provide any penalties for the woman. The legislature wisely recognized that both mothers and their unborn children are victims of abortion.

Mr. Speaker, the Louisiana Legislature should be commended for extending the circle of protection for extending fundamental human rights to the

most innocent and defenseless members of the human family—unborn children. They have looked beyond the cliches and euphemisms and come to the realization that every abortion stops a beating heart.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding. I just want to join with the words of my colleague from New Jersey, and both the gentleman and I are going over to meet with Mr. Boris Yeltsin. These truly are exciting times. I just wanted to point out to all of my colleagues and any visitors, like the 100 or more ministers from the great State of California, here is a picture taken on Red Square of an Easter pageant demonstration of Jesus carrying his cross, bringing the message of love, hope, and peace.

Thanks to one of our great people, that is always doing this in front of the Capitol, Rita Warren. To think we live in the exciting times, when Rita asks to go to the Soviet Union to do this, 3 years ago, the door was closed. Now the door is wide open, and Rita tells me the KGB, who was assigned to watch her, came over and posed with this actor playing Jesus Christ, representing his redemption of all people.

Exciting times indeed. Let Members go see Boris and find out if he is a secret Christian.

UPDATE ON FOREIGN AID AMENDMENTS

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

Mr. McCOLLUM. Mr. Speaker, I would like to point out to my colleagues that this morning in a few minutes we will be on the foreign aid bill. When we are discussing the foreign aid bill, we will be taking up some amendments that were already debated.

One of those is an amendment dealing with the excess military program and the question involved in that amendment will be one of the first up for vote. That is, whether or not we are going to tie the President's hands so that he will not be allowed, at all, to slip any heavy construction equipment to any foreign country for humanitarian purposes or for whatever reason that, in many cases, we have done in the past.

While I think that the amendment is well-being, that the gentleman from Missouri is about and has been offered, and will be up for a vote, my substitute would give the latitude to the President that he now has. In other words, it will give him the option of going back and being able to, in this particular instance or that particular instance, give humanitarian aid when it is needed, when the Armenians and those in Bangladesh or somewhere need heavy construction pieces of equipment such as a bulldozer or grader or whatever. The President would still have the option to do that.

I think it is very important that the substitute amendment that I am offering be adopted, which would allow the thrust of the main Taylor amendment to prevail, but at the same time give the President his continued flexibility to do the humanitarian deeds and some of the emergency national security interest deeds that he presently has this heavy contruction equipment under the excess program.

SURPLUS CONSTRUCTION EQUIPMENT SHOULD HELP AMERICANS

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

Mr. TAYLOR of Mississippi. Mr. Speaker, in the Foreign Assistance Act that will be brought up today, two countries will receive more financial assistance from the United States of America than my State will. The total amount of this bill is five times the annual budget of the State of Mississippi.

The amendment that I will offer today asks this Congress to limit the excess, the surplus equipment that is given away, and to keep heavy construction equipment here in America where it can help people in America who do not have running water, who do not live on a paved street, who do not have adequate drainage.

We seek to keep those things that the American taxpayer has already paid for, here in America, where they can help Americans. This bill will give away $25 billion to foreign governments. I think that is sufficient. I think that heavy construction equipment that can help the small cities, the small counties in America, ought to stay here and help Americans, like we told those people we would, last October, when we sought their vote.

STATUS OF CONSIDERATION OF INTERNATIONAL COOPERATION ACT OF 1991

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. JOHNSTON of Florida. Mr. Speaker, I rise to explain to the Members where we are at this point in the consideration of H.R. 2508. When the Committee rose last Thursday, all time for consideration of amendments under the rule had expired. However, pursuant to the House rules, the remaining amendments which were printed in the RECORD by last Wednesday are allowed 10 minutes of debate, divided equally between the proponent of the amendment and an opponent of the amendment. In addition, I would point out to Members that there is no debate permitted on second degree amendments, subject to clause 6 of rule XXIII. There is no motion to strike the last word.

At this point, there are no further amendments to title VI. However, one vote has been demanded on the Roth amendment and we expect a recorded vote to be demanded on the McCollum amendment to the Taylor amendment and possibly a recorded vote on the underlying Taylor amendment. There are no amendments in order to title VII.

In title VIII, dealing with Europe and the Middle East, we anticipate a series of amendments concerning Israel, Jordan, Yugoslavia, and the Soviet Union which will most likely require recorded votes. Under the order of the House, we will seek to cluster votes where appropriate.

In title IX, dealing with Asian and Pacific Affairs, we anticipate amendments involving Cambodia, and Laos, which also may require recorded votes.

In title X, dealing with Africa, we expect only two amendments to be offered: the Burton amendment on aid to South African organizations and the Bereuter amendment on the Horn of Africa.

In title XI, we expect only one amendment: a Traficant cutting amendment.

I would inform Members that the ranking miniority member, Mr. BROOMFIELD, and I have agreed that we will object to any unanimous consent request for additional debate time on amendments.

Mr. Speaker, I insert in the RECORD at this point correspondence between the Committee on Foreign Affairs and the Committee on Agriculture concerning this bill, as follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 3, 1991.

Hon. E KIKA DE LA GARZA,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Foreign Affairs has completed consideration of draft legislation authorizing foreign assistance programs for fiscal years 1992 and 1993. The Committee will introduce a clean bill on Monday, June 3, 1991, and report the legislation to the House on the same day. The Committee expects to appear before the Committee on Rules later that same week and schedule this legislation for the Floor the following week.

At my direction, the Committee staff has been in consultation with your staff regarding a provision in the legislation regarding the role of the Department of Agriculture on the Board for the Enterprise for the Americas Initiative which falls within the sole jurisdiction of the Committee on Agriculture. If you have no objection to the consideration of these provisions on the House Floor in their present form, without prejudice to your jurisdiction, I would be pleased to include our correspondence to this effect in the report on the bill.

Thank you for your consideration in this matter.

With best wishes, I am
Sincerely yours,
DANTE B. FASCELL,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC, June 3, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: This is with reference to your letter dated June 3, 1991 requesting that the Committee on Agriculture forego, without prejudice, its right to a referral of H.R. 2508, a bill to authorize foreign assistance programs for fiscal years 1992 and 1993.

Section 502 of the bill would increase from nine to eleven the number of members on the Environment for the Americas Board as authorized by section 610(b)(1) of the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480). It is very important that the additional membership seat be created so that the Department of Agriculture will be represented on the Board. I appreciate your willingness to work with the Committee on Agriculture toward the enactment of this important amendment.

After a brief review of the remainder of the bill, which we received today, a number of other provisions affecting the jurisdiction of the Committee on Agriculture have been brought to my attention. Among these are new sections 5401 through 5411 of the Foreign Assistance Act of 1961, which establish the Enterprise for the Americas Facility and the Environment for the Americas Board. Both of these entities have already been established pursuant to the provisions of title VI of P.L. 480. The enactment of similar language in H.R. 2508 could result in confusion as to which statute governs the establishment and operations of the facility and the Board.

Additionally, I note that there are a number of provisions in H.R. 2508 placing minimum spending levels, conditions, or restrictions on assistance to certain countries under various assistance programs, including P.L. 480. I am concerned that these provisions will directly affect the operation of the programs authorized under P.L. 480 that are within this Committee's jurisdiction.

In order to expedite the consideration of H.R. 2508, the Committee on Agriculture will forego, without prejudice, the opportunity to obtain a sequential referral of the bill. However, in light of the provisions outlined above, and other aspects of the bill that may affect programs within this Committee's jurisdiction, I must reserve the Committee on Agriculture's right to seek the appointment of conferees on any matters that affect this Committee's jurisdiction.

I am hopeful that we can work together to resolve these concerns prior to the consideration of the bill on the Floor of the House of Representatives.

With best wishes, I remain
Sincerely,
E (KIKA) DE LA GARZA,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 11, 1991.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to your letter replying to my letter of June 3, 1991 requesting that the Committee on Agriculture forgo, without prejudice, sequential referral of H.R. 2508, the International Cooperation Act of 1991.

I appreciate your cooperation in agreeing to the consideration of the bill on the Floor in its present form in order to expedite House action on this important authorization matter.

I am pleased that the Committee was able to accommodate your request with respect to the number of positions on the Environment for the Americas board authorized last year as part of the Farm Bill.

With respect to the concerns raised in your letter regarding non-food assistance debt provisions and country-specific restrictions and conditions on foreign assistance, the bill clearly does not make substantive changes to food assistance provisions over which we share jurisdiction. The Committee's actions on non-food assistance debt and on restrictions and conditions on overseas distribution of U.S. bilateral foreign assistance rest within the sole jurisdiction of the Committee on Foreign Affairs under Rule X of the Rules of the House.

Thank you for your continuing cooperation.

With best wishes, I am
Sincerely yours,
DANTE B. FASCELL,
Chairman.

□ 1100

MAKING IN ORDER 5-MINUTE VOTES ON CERTAIN AMENDMENTS TO H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

Mr. JOHNSTON of Florida. Mr. Speaker, I ask unanimous consent that if a vote is ordered on the McCollum amendment to the Taylor amendment in title VI, that any subsequent votes without intervening business on amendments to that title be reduced to 5 minutes.

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

There was no objection.

INTERNATIONAL COOPERATION ACT OF 1991

The SPEAKER pro tempore. 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.

□ 1102

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 Thursday, June 13, 1991, all the time for debate on amendments had expired, subject to clause 6 of rule XXIII, and title VI was open for amendment at any point.

RECORDED VOTE

The CHAIRMAN pro tempore. The unfinished business is the demand by the gentleman from Florida [Mr. MCCOLLUM] for a recorded vote on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] on which the noes prevailed on a voice vote to the amendment offered by the gentleman from Mississippi [Mr. TAYLOR], as modified.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, this will be a 15-minute vote to be immediately followed by a 5-minute recorded vote, if ordered, on the amendment offered by the gentleman from Mississippi [Mr. TAYLOR], as amended or not.

The vote was taken by electronic device, and there were—ayes 150, noes 267, not voting 15, as follows:

[Roll No. 166]

AYES—150

Allard	Goodling	Nussle
Andrews (NJ)	Goss	Oxley
Archer	Gradison	Packard
Armey	Grandy	Paxon
Baker	Green	Porter
Ballenger	Gunderson	Ramstad
Barrett	Hammerschmidt	Ravenel
Barton	Hancock	Rhodes
Bateman	Hastert	Riggs
Bereuter	Hefley	Rinaldo
Bliley	Henry	Roberts
Boehlert	Herger	Rogers
Boehner	Hobson	Rohrabacher
Broomfield	Horton	Ros-Lehtinen
Bunning	Houghton	Roth
Burton	Hunter	Roukema
Callahan	Hyde	Santorum
Camp	Inhofe	Saxton
Campbell (CA)	Ireland	Schaefer
Campbell (CO)	James	Schiff
Chandler	Johnson (CT)	Schulze
Clinger	Johnson (TX)	Sensenbrenner
Coble	Klug	Shaw
Coleman (MO)	Kolbe	Shays
Combest	Kyl	Shuster
Coughlin	Lagomarsino	Skeen
Cox (CA)	Leach	Slaughter (VA)
Crane	Lent	Smith (NJ)
Cunningham	Lewis (CA)	Smith (OR)
Dannemeyer	Lewis (FL)	Smith (TX)
Davis	Lightfoot	Snowe
DeLay	Livingston	Solarz
Dickinson	Marlenee	Stearns
Doolittle	Martin	Stump
Dornan (CA)	McCandless	Sundquist
Dreier	McCollum	Taylor (NC)
Edwards (OK)	McCrery	Thomas (CA)
Fawell	McDade	Thomas (WY)
Fields	McEwen	Upton
Fish	McGrath	Vander Jagt
Ford (MI)	McMillan (NC)	Vucanovich
Franks (CT)	Meyers	Walker
Gallegly	Michel	Walsh
Gallo	Miller (OH)	Weber
Gekas	Miller (WA)	Wolf
Gibbons	Molinari	Wylie
Gilchrest	Moorhead	Young (AK)
Gillmor	Morella	Young (FL)
Gilman	Myers	Zeliff
Gingrich	Nichols	Zimmer

NOES—267

Abercrombie	Guarini	Pallone
Ackerman	Hall (OH)	Panetta
Alexander	Hall (TX)	Parker
Anderson	Hamilton	Patterson
Andrews (ME)	Hansen	Payne (NJ)
Andrews (TX)	Harris	Payne (VA)
Annunzio	Hatcher	Pease
Anthony	Hayes (IL)	Pelosi
Applegate	Hayes (LA)	Penny
Aspin	Hefner	Perkins
Atkins	Hertel	Peterson (FL)
AuCoin	Hoagland	Peterson (MN)
Bacchus	Hochbrueckner	Petri
Barnard	Holloway	Pickett
Beilenson	Horn	Pickle
Bennett	Hoyer	Poshard
Bentley	Hubbard	Price
Berman	Huckaby	Quillen
Bevill	Hughes	Rahall
Bilbray	Hutto	Rangel
Bilirakis	Jacobs	Ray
Bonior	Jefferson	Reed
Borski	Jenkins	Regula
Boucher	Johnson (SD)	Richardson
Boxer	Johnston	Ridge
Brewster	Jones (GA)	Ritter
Brooks	Jones (NC)	Roe
Browder	Jontz	Roemer
Brown	Kanjorski	Rostenkowski
Bruce	Kaptur	Rowland
Bryant	Kasich	Roybal
Bustamante	Kennedy	Russo
Byron	Kennelly	Sabo
Cardin	Kildee	Sanders
Carper	Kleczka	Sangmeister
Carr	Kolter	Sarpalius
Chapman	Kopetski	Savage
Clay	Kostmayer	Sawyer
Clement	LaFalce	Scheuer
Coleman (TX)	Lancaster	Schroeder
Collins (IL)	Lantos	Sharp
Collins (MI)	LaRocco	Sikorski
Cooper	Laughlin	Sisisky
Costello	Lehman (CA)	Skaggs
Cox (IL)	Lehman (FL)	Skelton
Coyne	Levin (MI)	Slattery
Cramer	Lewis (GA)	Slaughter (NY)
Darden	Lipinski	Smith (FL)
de la Garza	Long	Smith (IA)
DeFazio	Lowey (NY)	Solomon
DeLauro	Luken	Spratt
Dellums	Machtley	Staggers
Derrick	Manton	Stallings
Dicks	Markey	Stark
Dingell	Martinez	Stenholm
Dixon	Matsui	Stokes
Donnelly	Mavroules	Studds
Dooley	Mazzoli	Swett
Dorgan (ND)	McCloskey	Swift
Downey	McCurdy	Synar
Duncan	McDermott	Tallon
Durbin	McHugh	Tanner
Dwyer	McMillen (MD)	Tauzin
Dymally	McNulty	Taylor (MS)
Early	Mfume	Thomas (GA)
Eckart	Miller (CA)	Thornton
Edwards (CA)	Mineta	Torres
Edwards (TX)	Mink	Torricelli
Emerson	Moakley	Towns
Engel	Mollohan	Traficant
English	Montgomery	Traxler
Erdreich	Moody	Unsoeld
Espy	Moran	Valentine
Evans	Morrison	Vento
Fascell	Murphy	Visclosky
Fazio	Murtha	Volkmer
Feighan	Nagle	Washington
Flake	Natcher	Waters
Foglietta	Neal (MA)	Waxman
Ford (TN)	Neal (NC)	Weiss
Frank (MA)	Nowak	Wheat
Gaydos	Oakar	Whitten
Gejdenson	Obey	Williams
Gephardt	Olin	Wilson
Geren	Olver	Wise
Glickman	Ortiz	Wolpe
Gonzalez	Orton	Wyden
Gordon	Owens (NY)	Yates
Gray	Owens (UT)	Yatron

NOT VOTING—15

Condit	Hopkins	Lowery (CA)
Conyers	Levine (CA)	Mrazek
Frost	Lloyd	Oberstar
Pursell	Schumer	Spence
Rose	Serrano	Weldon

□ 1126

Messrs. MAVROULES, OLVER, PETRI, RITTER, and DICKS changed their vote from "aye" to "no."

Mr. COLEMAN of Missouri and Mr. McDADE changed their vote from "no" to "aye."

So the amendment to the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The question is on the amendment offered by the gentleman from Mississippi [Mr. TAYLOR], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. ROTH

The CHAIRMAN pro tempore. The unfinished business is the vote on the amendment offered by the gentleman from Wisconsin [Mr. ROTH] on which a recorded vote is ordered.

The Clerk will rereport the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH:

Page 414, line 12, strike out "and"; line 14, strike out the period and insert in lieu thereof "; and"; and after line 14, insert the following

"(3) with respect to each project or other activity for which such funds remain unexpended, the justification for such funds not having been expended.

Page 427, after line 7, insert the following:

"SEC. 6310. REPORTS BY THE INSPECTOR GENERAL REGARDING UNEXPENDED BALANCES.

"(a) COMMENTS ON SECTION 6301(e) REPORTS.—As soon as possible after the submission to the Congress each year of the information regarding unexpended balances required by section 6301(e), the Inspector General for the administering agency for title I shall submit to the appropriate congressional committees—

"(1) the Inspector General's recommendations for reducing the amount of such unexpended balances; and

"(2) such comments as the Inspector General considers appropriate with regard to the justifications provided pursuant to paragraph (3) of that section.

"(c) COMMENTS ON SECTION 7304(b) REPORTS.—As soon as possible after submission of a report pursuant to section 7304(b), the Inspector General for the administering agency for title I shall submit to the appropriate congressional committees such 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 the 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, in the interest of time, 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, I ask unanimous consent that I be allowed 15 seconds to explain the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

PARLIAMENTARY INQUIRY

Mr. FASCELL. Mr. Chairman, reserving the right to object, if I may pose a parliamentary inquiry, first of all, I could not hear the proceeding.

Second, I need to ask the Chair, are we now on the Roth amendment, which would seek to recapture all pipeline funds?

The CHAIRMAN pro tempore. The Chair cannot characterize the amendment. We are on the Roth amendment.

Mr. FASCELL. Without characterization, Mr. Chairman, is this the Roth amendment?

The CHAIRMAN pro tempore. The gentleman is correct. The gentleman from Wisconsin [Mr. ROTH] has requested that we dispense with the reading of the amendment, and that has been done. The gentleman from Wisconsin has now asked unanimous consent for 15 seconds to characterize the amendment.

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

Mr. FASCELL. Mr. Chairman, the amendment has already been debated. I hate to do this, but if I make an exception on this one, I will have to do it on every single amendment that will come up next.

Mr. Chairman, I object.

The CHAIRMAN pro tempore. The gentleman's objection is heard.

A recorded vote has been ordered. Pursuant to the order of the House of today, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 203, not voting 13, as follows:

[Roll No. 167]

AYES—216

Allard	Anthony	Armey
Andrews (NJ)	Applegate	Aspin
Andrews (TX)	Archer	Baker

Ballenger
Barrett
Barton
Bateman
Bentley
Bevill
Biliraki
Bliley
Boehner
Brewster
Brooks
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Chapman
Clinger
Coble
Coleman (MO)
Combest
Condit
Costello
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeFazio
DeLay
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Horn
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (SD)
Johnson (TX)
Jontz
Kanjorski
Kaptur
Kasich
Klug
Kolbe
Kolter
Kopetski
Kyl
Lancaster
LaRocco
Laughlin
Lewis (FL)
Lightfoot
Livingston
Long
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCurdy
McDade
McEwen
McMillan (NC)
Miller (OH)
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Neal (NC)
Nichols
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Perkins
Peterson (MN)
Petri
Pickett
Porter
Poshard
Quillen
Rahall
Ramstad
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Russo
Sangmeister
Santorum
Sarpalius
Savage
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Williams
Wylie
Young (AK)
Zeliff
Zimmer

NOES—203

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Annunzio
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Berman
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Broomfield
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coughlin
Coyne
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Dymally
Edwards (CA)
Edwards (TX)
Engel
Espy
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Goss
Gray
Green
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morrison
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Pickle
Price
Rangel
Ravenel
Reed
Richardson
Roe
Ros-Lehtinen
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sawyer
Scheuer
Sikorski
Skaggs
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stokes
Studds
Swett
Swift
Synar
Tallon
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOT VOTING—13

Frost
Hopkins
Levine (CA)
Lloyd
Mrazek
Oberstar
Pursell
Rose
Schumer
Serrano
Spence
Stark
Weldon

□ 1143

Messrs. DE LA GARZA, WILSON, and TALLON changed their vote from "aye" to "no."

Mr. TALLON, Mr. SHAYS, Ms. HORN, and Messrs. VOLKMER, GLICKMAN, SISISKY, DURBIN, and McCURDY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Are there any further amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—LATIN AMERICA AND THE CARIBBEAN

CHAPTER 1—EL SALVADOR

[Reserved for provisions relating to El Salvador]

CHAPTER 2—OTHER PROVISIONS PERTAINING TO CENTRAL AMERICA

SEC. 721. PROMOTING CENTRAL AMERICAN RECOVERY AND DEVELOPMENT.

(a) IN GENERAL.—The Congress accepts with confidence that the countries of Central America will successfully direct their own economic and human resources to build and maintain the political, social, and economic institutions necessary to achieve peace and prosperity for their people. Accordingly, it shall be the policy of the United States to encourage and support the Central American countries in their efforts to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustained and sustainable development, and improve living conditions in the countries of Central America. It further shall be the policy of the United States to support and encourage dialogue as the proper means of resolving armed conflicts in Central America.

(b) UNITED STATES ASSISTANCE FOR IMPLEMENTATION OF AN INTERNATIONAL PROGRAM FOR CENTRAL AMERICAN RECOVERY AND DEVELOPMENT.—In order to build upon the programs established pursuant to the National Bipartisan Commission on Central America and to establish a Central American Recovery and Development Program, it shall be the policy of the United States, consistent with implementation of the Esquipulas, Tesoro Beach, Tela, San Isidro, and Montelimar Accords and the Antiqua Declaration, to assist in the implementation of recommendations of the International Commission on Central American Recovery and Development, including proposals—

(1) to provide additional economic assistance to the countries of Central America to assist with relocation and resettlement of refugees and other displaced persons in the region, expand educational opportunity and access to health care, foster progress in respect for human rights, bolster democratic institutions, strengthen institutions of justice, conserve natural resources and protect the environment, and otherwise promote sustainable economic development;

(2) to facilitate the ability of the economies of individual Central American countries to grow through the development of the infrastructure of those countries, expansion of exports, and strengthening of investment opportunities, goals which are enhanced by the Caribbean Basin Economic Recovery Expansion Act of 1990; and

(3) to develop those initiatives in concert with the governments of Central America, Western Europe, Japan, Canada, and other democracies.

(c) REFUGEES AND DISPLACED PERSONS.—Consistent with the recommendations of the International Commission on Central American Recovery and Development, it shall be the policy of the United States to support, participate in, and contribute to the United Nations Development Program for its Special Plan of Economic Cooperation for Central America, which is designed to—

(1) reintegrate the displaced and refugee populations,

(2) create employment opportunities, and

(3) establish a system to ensure adequate food supplies and health facilities for the poor.

(d) MULTILATERAL AND REGIONAL COOPERATION.—

(1) MULTILATERAL COOPERATION.—It shall be the policy of the United States to encourage and secure greater international cooperation and support for implementing the recommendations of the International Commission on Central American Recovery and Development. In carrying out this policy, the President should exert continued leadership in multilateral and regional forums and at economic summits to further multidonor responses to the pressing development needs in Central America.

(2) PARTNERSHIP FOR DEMOCRACY AND DEVELOPMENT.—It further shall be the policy of the United States to help organize a partnership among donor countries and the Central American countries to provide a coordinated,

organized means of mobilizing resources and promoting a forum for dialogue about issues of development, democracy, social justice, and human rights.

(3) REGIONAL COOPERATION.—If requested by the governments of Central America, the United States, in an effort to support full participation in a partnership for democracy and development, shall provide appropriate support and assistance for the development of a coordination mechanism for Central America which includes participation of governments and nongovernmental organizations. Such mechanism has been designated as the Central American Development Coordination Commission (CADCC) by the International Commission on Central American Recovery and Development.

(e) ENTERPRISE FOR THE AMERICAS INITIATIVE.—It shall be the policy of the United States to support and promote the Enterprise for the Americas Initiative to assist Central American countries in opening their economies and managing their foreign debt, which is a major factor in preventing economic renewal.

SEC. 722. MILITARY AIRCRAFT TRANSFERS.

(a) NOTIFICATION OF TRANSFERS BY THE UNITED STATES.—During fiscal years 1992 and 1993—

(1) the authorities of title II of the Foreign Assistance Act of 1961 and the Defense Trade and Export Control Act may not be used to make available any helicopters or other aircraft for military use, and

(2) licenses may not be issued under section 38 of the Defense Trade and Export Control Act for the export of any such aircraft, to any country in Central America unless the appropriate congressional committees are notified in writing at least 15 days in advance.

(b) NOTIFICATION OF TRANSFERS BY OTHER COUNTRIES.—During fiscal years 1992 and 1993, the Secretary of State shall promptly notify the appropriate congressional committees whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

SEC. 723. ASSISTANCE FOR GUATEMALA.

(a) PROHIBITION ON MILITARY ASSISTANCE.—Foreign military financing assistance may not be provided for Guatemala for fiscal years 1992 and 1993, except as otherwise provided in subsection (b) relating to ceasefire monitoring, demobilization, and transition to peace.

(b) FUND FOR CEASEFIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a ceasefire and the permanent settlement of the conflict in Guatemala, including the demobilization of combatants and their transition to peaceful pursuits. This fund shall be known as the Demobilization and Transition Fund for Guatemala (hereinafter in this subsection referred to as the "Fund".).

(2) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—For each of the fiscal years 1992 and 1993, the President may transfer to the Fund, from amounts made available for foreign military financing assistance, such sums as may be necessary to carry out the purposes of paragraph (4).

(3) CONDITIONS FOR USE OF THE FUND.—Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of Guatemala and representatives of the Guatemalan National Revolutionary Unit (UNRG) have agreed to a ceasefire.

(4) USE OF THE FUND.—Amounts transferred to the Fund are authorized to be used for, and shall be available only for—

(A) costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in Guatemala, and

(B) costs of the monitoring of the ceasefire and permanent settlement in Guatemala.

(5) DURATION OF AVAILABILITY OF AMOUNTS IN THE FUND.—For purposes of provisions of law relating to periods of availability of funds, amounts transferred to the Fund shall be deemed to be obligated upon transfer.

(c) PROHIBITION RELATING TO FMS AND COMMERCIAL SALES.—During fiscal years 1992 and 1993, the authority of the Defense Trade and Export Control Act may not be used to sell to the Government of Guatemala, and licenses may not be issued under section 38 of that Act for the export to Guatemala, of—

(1) any weapons or ammunition; or

(2) any aircraft, unless those aircraft are unarmed and the Government of Guatemala has agreed that those aircraft will not be armed.

(d) ECONOMIC AND FOOD ASSISTANCE.—

(1) LIMITATIONS.—For fiscal years 1992 and 1993, development assistance, economic support assistance, and assistance under the Agricultural Trade Development and Assistance Act of 1954 that is provided for Guatemala—

(A) may be used only by civilian agencies and nongovernmental organizations;

(B) shall be targeted for assistance—

(i) for programs that directly address poverty, basic human needs, and environmental concerns;

(ii) to improve the performance of democratic institutions or otherwise to promote pluralism;

(iii) for the National Reconciliation Commission;

(iv) for fiscal reform and fiscal administration; or

(v) for programs that promote foreign and domestic trade and investment; and

(C) may not be used for partisan political purposes or as an instrument of counterinsurgency.

(2) WAIVER.—The President may waive subparagraph (B) of paragraph (1) if the President reports to the appropriate congressional committees that the Government of Guatemala has made progress in eliminating human rights violations and in investigating and bringing to trial those responsible for major human rights cases such as those involving Americans.

(3) CONGRESSIONAL REVIEW OF CERTAIN ASSISTANCE.—Funds may be obligated for fiscal years 1992 and 1993 pursuant to a waiver under paragraph (2) only if the appropriate congressional committees are notified at least 15 days in advance of such obligation in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961.

SEC. 724. ASSISTANCE FOR NICARAGUA.

(a) CONSIDERATIONS IN PROVIDING ASSISTANCE.—Prior to providing assistance to Nicaragua for fiscal year 1992 or 1993 under the Foreign Assistance Act of 1961, the President should take into account the extent to which the Government of Nicaragua has—

(1) brought the Nicaraguan armed forces under full civilian control, including—

(A) effectively eliminating the influence of political parties within the military command; and

(B) stemming the illegal export of lethal equipment consistent with Nicaraguan obligations in the Central American peace process; and

(2) undertaken thorough and professional investigations into, and prosecution of those responsible for, human rights violations including—

(A) the deaths or disappearances of former members of the Nicaraguan resistance; and

(B) the February 1991 murder of Enrique Bermudez.

(b) MILITARY ASSISTANCE.—In providing any foreign military financing assistance to the Government of Nicaragua for fiscal year 1992 or 1993, the President should consider the extent to which such assistance will further the goals of strengthening civilian control over the military, ending human rights abuses, and stemming the export of lethal military equipment.

(c) LIMITATION ON ASSISTANCE TO MEMBERS OF THE NICARAGUAN RESISTANCE.—During fiscal years 1992 and 1993, assistance under the Foreign Assistance Act of 1961 may not be provided for any member of the Nicaraguan resistance who has not disarmed or is not abiding by the terms of the cease-fire agreement and the addendums to the Toncontin Agreement signed on April 19, 1990.

(d) EXPROPRIATION CLAIMS.—It is the sense of the Congress that the Government of Nicaragua should expedite the processing of claims by private citizens based on expropriation of property by the former Sandinista government.

SEC. 725. ASSISTANCE FOR REFUGEES AND DISPLACED PERSONS.

Of the amounts of economic support assistance made available for bilateral or regional programs for Central America for each of the fiscal years 1992 and 1993, not less than $25,000,000 shall be provided to nongovernmental organizations, through the United Nations High Commissioner for Refugees and the United Nations Development Program, to implement the Concerted Plan of Action in Favor of Central American Refugees, Returnees and Displaced Persons, such plan having resulted from the International Conference on Central American Refugees (CIREFCA) that convened in May 1989 as an element of the Esquipulas peace process.

SEC. 726. ASSISTANCE FOR DEMOCRATIC LEGISLATURES.

(a) FINDINGS.—The Congress finds that—

(1) Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama all have freely elected governments and freely elected legislatures for the first time in the history of Central America;

(2) the Central American legislatures face economic, political, social, and institutional challenges in fulfilling their constitutional responsibilities; and

(3) the lack of equipment and resources poses an additional challenge for Central American legislatures in fulfilling their constitutional responsibilities.

(b) STRENGTHENING DEMOCRATIC LEGISLATURES.—It is the sense of the Congress that—

(1) consistent with the purposes set forth in section 1221(b) of the Foreign Assistance Act of 1961, the United States should seek to strengthen the democratic legislatures in Central America (including Panama) by using foreign assistance funds made available under that Act to provide equipment and training to those legislatures; and

(2) efforts to support legislatures in Central America (including Panama) should be coordinated with and otherwise involve appropriately qualified private and public sector experts.

CHAPTER 3—THE CARIBBEAN

SEC. 741. ASSISTANCE FOR HAITI.

(a) HAITI'S DEMOCRATIC TRANSITION.—The Congress congratulates—

(1) the Haitian people for accomplishing Haiti's first transition to democracy;

(2) President Aristide, who was chosen by the Haitian people to be Haiti's first democratically elected President;

(3) the Haitian military, which abided by the Haitian Constitution and supported the democratic transition; and

(4) the private voluntary organizations that remained in Haiti under difficult circumstances and which will have a significant role to play in Haiti's democratic future.

(b) UNITED STATES ASSISTANCE.—It is the sense of the Congress that the United States should provide significant and sustained assistance to the Government of Haiti so long as it abides by the Haitian Constitution and respects freedom of expression and human rights, and should continue to provide substantial assistance to Haitian private voluntary organizations, in order to assist Haiti in institutionalizing democracy and to promote economic development that will benefit the Haitian people.

(c) AMOUNTS OF ECONOMIC ASSISTANCE.—It is the sense of the Congress that, for each of the fiscal years 1992 and 1993, the United States should provide a total of at least $100,000.000 in economic assistance for Haiti under title I of the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954, including at least $35,000,000 in economic support assistance and at least $40,000,000 in development assistance.

(d) CONGRESSIONAL REVIEW OF MILITARY ASSISTANCE AND SALES.—At least 15 days before obligating any funds for foreign military financing assistance for Haiti and at least 15 days before issuing any letter of offer to Haiti under the Defense Trade and Export Control Act, the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961.

SEC. 742. HAITIAN SUGAR CANE HARVESTERS IN THE DOMINICAN REPUBLIC.

(a) UNITED STATES POLICY.—It shall be the policy of the United States to encourage the Government of the Dominican Republic to act expeditiously and forcefully to improve respect for the internationally recognized human rights of Haitian laborers engaged in the sugar cane harvesting industry in the Dominican Republic.

(b) WITHHOLDING OF ASSISTANCE.—Of the amounts made available for economic support assistance for the Dominican Republic for each of the fiscal years 1992 and 1993, $1,000,000 shall be withheld from expenditure until the President reports to the appropriate congressional committees on the steps taken by the Government of the Dominican Republic to improve respect for the internationally recognized human rights of Haitian laborers engaged in the sugar cane harvesting industry in the Dominican Republic, including the enforcement of the provisions mandated by President Balaguer's decree of October 15, 1990.

SEC. 743. ASSISTANCE FOR GUYANA.

(a) RESTRICTION.—For fiscal years 1992 and 1993, assistance may be provided to the Government of Guyana under the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954 only if the President reports to the appropriate congressional committees that the Government of Guyana is in power as a result of free and fair elections. In making such a determination, the President shall, if appropriate, take into account the findings of international observers with respect to the elections.

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) international narcotics control assistance; or

(2) assistance for the holding of free and fair elections.

(c) ECONOMIC ASSISTANCE FOLLOWING INSTALLATION OF A DEMOCRATICALLY ELECTED GOVERNMENT.—It is the sense of the Congress that, following submission of the report required by subsection (a), the United States should provide significant and sustained economic assistance for Guyana under title I of the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954. Such assistance should total at least $20,000,000 for each of the fiscal years 1992 and 1993.

(d) ASSISTANCE FOR BASIC HUMAN NEEDS.—

(1) AMOUNT OF ASSISTANCE.—Not less than $3,000,000 in assistance described in paragraph (2) shall be used for each of the fiscal years 1992 and 1993 to meet basic human needs in Guyana. Such assistance may be provided only through nongovernmental organizations or (if a report is made under subsection (a)) through the Government of Guyana.

(2) SOURCES OF ASSISTANCE.—Amounts used pursuant to paragraph (1) may be derived from funds available for development assistance or for economic support assistance or may be in the form of assistance under title II or title III (including the use of local currency proceeds) under the Agricultural Trade Development and Assistance Act of 1954.

SEC. 744. DEMOCRACY IN SURINAME.

The Congress—

(1) condemns the armed forces of Suriname for the December 1990 coup and for their historic disregard for civilian authority;

(2) strongly urges the armed forces of Suriname to permit a peaceful transfer of power to the duly elected civilian government following the elections held on May 25, 1991; and

(3) calls upon the President to withhold United States assistance from Suriname until such a peaceful transfer of power has taken place, and to use such assistance to bolster civilian rule and to encourage the military to permit the civilian government to exercise genuine authority.

CHAPTER 4—ANDEAN INITIATIVE

SEC. 761. ECONOMIC ASSISTANCE AND ADMINISTRATION OF JUSTICE PROGRAMS FOR ANDEAN COUNTRIES.

(a) AUTHORIZATION OF ASSISTANCE.—Of the aggregate amounts authorized to be appropriated for development assistance and economic support assistance, $300,000,000 for each of the fiscal years 1992 and 1993 are authorized to be appropriated for Andean countries.

(b) PRIORITIES IN USE OF ASSISTANCE.—In addition to the use of funds pursuant to subsection (c), priority in the use of funds that are allocated for Bolivia and Peru under subsection (a) shall be given to support programs that focus on providing coca farmers with alternative sources of income, including the introduction of alternative crops, agricultural research and extension, the provision of credit, assistance with land titles, agro-industry, micro-enterprise development, and infrastructure development.

(c) ADMINISTRATION OF JUSTICE PROGRAMS.—

(1) ADDITIONAL ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU.—Of the funds appropriated for economic support assistance under subsection (a), up to $16,000,000 for each fiscal year should be used to provide assistance for Bolivia, Colombia, and Peru—

(A) pursuant to section 781 of this Act (relating to assistance for law enforcement), in addition to funds otherwise used for those countries under that section; and

(B) pursuant to paragraphs (2) and (3) of this subsection.

(2) PROTECTION AGAINST NARCO-TERRORIST ATTACKS.—Funds used in accordance with paragraph (1) may be used to provide to Bolivia, Colombia, and Peru, notwithstanding section 6202 of the Foreign Assistance Act of 1961 (relating to the prohibition on assistance to law enforcement agencies), such assistance as the government of that country may request to provide protection against narco-terrorist attacks on judges, other government officials, and members of the press.

(3) ASSISTANCE FOR HUMAN RIGHTS OFFICES.—Up to a total of $1,000,000 of the funds used in accordance with paragraph (1) each fiscal year should be used to provide training, technical assistance, and equipment—

(A) for the Office of Special Investigations and the Special Prosecutor for Human Rights, both of which are within the Office of the Attorney General of the Government of Colombia; and

(B) for the Office of Human Rights in the Office of the Attorney General of the Government of Peru.

(4) ADDITIONAL ASSISTANCE.—Funds may be used in accordance with paragraph (1) of this subsection without regard to the dollar limitation contained in section 781(g)(1) of this Act.

(5) PERIOD OF AVAILABILITY.—Funds allocated for use in accordance with paragraph (1) of this subsection shall remain available until expended notwithstanding any other provision of law.

SEC. 762. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR ANDEAN COUNTRIES.

(a) AUTHORIZATION OF ASSISTANCE.—Of the amounts authorized to be appropriated for foreign military financing assistance, $118,000,000 for each of the fiscal years 1992 and 1993 are authorized to be appropriated for assistance for Andean countries.

(b) PURPOSES OF ASSISTANCE.—Assistance under subsection (a) shall be designed to—

(1) enhance the ability of the government of the recipient country to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with that government by offering concrete assistance in this area of great mutual concern;

(3) strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking; and

(4) assist the armed forces of the Andean countries in their support roles for those countries' law enforcement agencies, which are charged with the main responsibility for the control of illicit narcotics production and trafficking.

(c) CONDITIONS OF ELIGIBILITY.—Assistance may be provided for an Andean country under subsection (a) only—

(1) so long as that country has a democratic government; and

(2) the government of that country, including the armed forces and law enforcement agencies, does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(d) LAW ENFORCEMENT TRAINING AND EQUIPMENT.—Subject to subsection (e), funds made available to carry out subsection (a) may be used—

(1) to provide to law enforcement units, that are organized for the specific purpose of

narcotics enforcement, education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts;

(2) for the expenses of deploying, upon the request of the Government of Bolivia, the Government of Colombia, or the Government of Peru, Department of Defense mobile training teams in that country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction; and

(3) for the procurement of defense articles or commodities for use in narcotics control, eradication, and interdiction efforts by law enforcement units that are organized for the specific purpose of narcotics enforcement.

Section 402 of this Act (relating to the exemption of narcotics-related assistance from the prohibition on assistance for law enforcement agencies) applies with respect to the use of funds under this subsection.

(e) MILITARY AND LAW ENFORCEMENT ASSISTANCE.—

(1) LIMITATIONS ON AMOUNTS.—The aggregate amount of military and law enforcement assistance provided for Bolivia, Colombia, and Peru for each of the fiscal years 1992 and 1993 may not exceed $250,000,000. Of that amount—

(A) not more than $150,000,000 for each such fiscal year may be assistance for the armed forces; and

(B) not more than $150,000,000 for each such fiscal year may be assistance for law enforcement units or agencies.

(2) DEFINITION OF MILITARY AND LAW ENFORCEMENT ASSISTANCE.—For purposes of paragraph (1), the term "amount of military and law enforcement assistance" means the sum of—

(A) the amount obligated for foreign military financing assistance;

(B) the amount obligated for international narcotics control assistance;

(C) the amount obligated for international military education and training;

(D) the value of defense articles, defense services, and military education and training made available under the special drawdown authority of subsections (a) and (b)(1) of section 2901 of the Foreign Assistance Act of 1961; and

(E) the value of excess defense articles made available under chapter 3 of title II of the Foreign Assistance Act of 1961.

(f) PROHIBITION ON ASSISTANCE FOR PERU'S SINCHI POLICE.—For purposes of this section, Peru's Sinchi Police may not be considered to be a law enforcement unit that is organized for the specific purpose of narcotics enforcement.

SEC. 763. GENERAL PROVISIONS RELATING TO ASSISTANCE FOR ANDEAN COUNTRIES.

(a) PRESIDENTIAL DETERMINATION REQUIRED.—Assistance may be provided for an Andean country pursuant to section 761(a) and section 762(a), and excess defense articles may be transferred to Bolivia, Colombia, or Peru in fiscal years 1992 and 1993 pursuant to chapter 3 of title II of the Foreign Assistance Act of 1961, only if, before any such assistance is provided or any such defense articles are transferred for that fiscal year, the President determines that—

(1) that country is implementing programs to reduce the flow of cocaine to the United States in accordance with a bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative, performance criteria with respect to those programs;

(2) the armed forces and law enforcement agencies of that country are not engaged in a consistent pattern of gross violations of internationally recognized human rights, and the government of that country has made significant progress in protecting internationally recognized human rights, particularly in—

(A) ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty, or security of the person, are not practiced; and

(B) permitting an unimpeded investigation of alleged violations of internationally recognized human rights, including providing access to places of detention, by appropriate international organizations (including nongovernmental organizations such as the International Committee of the Red Cross) or groups acting under the authority of the United Nations or the Organization of American States; and

(3) the government of that country has effective control over police and military operations related to counternarcotics and counterinsurgency activities.

Paragraph (2) does not apply with respect to assistance under section 761(a) for programs that focus on providing coca farmers with alternative sources of income, including the introduction of alternative crops, agricultural research and extension, the provision of credit, assistance with land titles, agro-industry, micro-enterprise development, and infrastructure development.

(b) NOTIFICATIONS TO CONGRESS.—Not less than 15 days before funds are obligated pursuant to section 761(a) or 762(a), the President shall transmit to the appropriate congressional committees a written notification in accordance with the procedures applicable to reprogrammings under section 6304 of the Foreign Assistance Act of 1961. Such notification shall specify—

(1) the country to which the assistance is to be provided;

(2) the type and value of the assistance to be provided;

(3) in the case of assistance provided pursuant to section 762(a), the law enforcement or other units that will receive the assistance; and

(4) an explanation of how the proposed assistance will further—

(A) the objectives specified in subsection (a) of this section, and

(B) in the case of assistance under section 762(a), the purposes specified in section 762(b).

(c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance authorized by section 761(a) and section 762(a) shall be coordinated with international narcotics control assistance.

(d) CONDITIONAL WAIVER OF BROOKE-ALEXANDER AMENDMENT.—For fiscal years 1992 and 1993, section 6204 of the Foreign Assistance Act of 1961, and any similar provision of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for fiscal years 1992 and 1993, shall not apply with respect to narcotics-related assistance for an Andean country, provided the President has made the determination described in subsection (a) of this section.

CHAPTER 5—OTHER PROVISIONS PERTAINING TO THE REGION

SEC. 781. ASSISTANCE FOR LAW ENFORCEMENT.

(a) GENERAL AUTHORITY.—Assistance under this section shall be provided for countries in Latin America and the Caribbean with democratically elected governments—

(1) to promote respect for the rule of law and internationally recognized human rights by all elements of society;

(2) to improve the professionalism and effectiveness of law enforcement agencies in the Western Hemisphere based upon the traditional role of civilian law enforcement agencies within a democratic system;

(3) to improve the capacity of law enforcement officials and the courts to render independent, fair, timely, and accessible justice and to punish all who abuse human life and dignity; and

(4) to enhance the interaction among courts, prosecutors, and police in the investigation of crime.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available to carry out section 1221 of the Foreign Assistance Act of 1961 shall be available for countries in Latin America and the Caribbean that have a democratically elected government to support programs and activities, without regard to section 6202 of that Act—

(1) to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial and prosecutorial control;

(2) to assist in the development of academic instruction and curricula for training law enforcement personnel;

(3) to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures;

(4) to improve penal institutions and the rehabilitation of offenders; and

(5) to enhance protection of participants in judicial cases.

(c) ASSISTANCE SUBJECT TO NOTIFICATION REQUIREMENT.—Assistance under this section may be provided only if at least 15 days before each obligation of funds the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961.

(d) PROHIBITION ON LETHAL EQUIPMENT.—Funds made available to carry out this section may not be used to provide any lethal equipment.

(e) PROHIBITION ON DOD PARTICIPATION.—Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the provision of training under this section.

(f) LAW ENFORCEMENT TRAINING FOR THE CARIBBEAN.—Training for the police or other law enforcement personnel of a country in the Caribbean may be provided under the Foreign Assistance Act of 1961 only by the International Criminal Investigative Training Assistance Program of the Department of Justice. This subsection does not apply with respect to training provided under section 4201(b) of that Act (relating to international narcotics control assistance).

(g) AMOUNTS AVAILABLE FOR LAW ENFORCEMENT TRAINING.—Of the funds made available to carry out section 1221 of the Foreign Assistance Act of 1961—

(1) not more than $10,000,000 may be made available in each of the fiscal years 1991, 1992, and 1993 to carry out this section; and

(2) not less than $2,500,000 shall be made available in each of the fiscal years 1992 and 1993 to carry out this section with respect to countries in the Caribbean.

(h) EXPIRATION.—The authority of this section shall expire on September 30, 1993.

SEC. 782. INTER-AMERICAN FOUNDATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $28,800,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993 to carry out this section.".

(b) BOARD OF DIRECTORS.—

(1) QUALIFICATIONS.—Section 401(g) of that Act is amended by adding at the end the following: "All individuals appointed to the Board shall possess an understanding of and sensitivity to community level development processes. No more than 5 members of the Board may be members of any one political party.".

(2) TRANSITION RULE.—The requirements established by the amendment made by paragraph (1) do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act.

(c) PRINCIPAL OFFICE.—Section 401(q) of that Act is amended to read as follows:

"(q) The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.".

(d) EXPENSES FOR MEETINGS AND PRINTING.—Section 401 of that Act is amended by adding at the end the following:

"(v) Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 of the United States Code (relating to travel, transportation, and subsistence expenses for meetings).

"(w) Funds made available to the Foundation may be used for printing and binding without regard to any other provision of law.".

SEC. 783. MILITARY ASSISTANCE AND SALES FOR CHILE.

During fiscal years 1992 and 1993, foreign military financing assistance may not be provided to Chile and sales may not be made to Chile under the Defense Trade and Export Control Act unless the appropriate congressional committees are notified of the amount and nature of the proposed assistance or sale (as the case may be) at least 15 days in advance in accordance with procedures applicable to reprogrammings pursuant to section 6304 of the Foreign Assistance Act of 1961.

SEC. 784. CENTRAL AMERICAN JOURNALISM PROGRAM AND THE REGIONAL ADMINISTRATION OF JUSTICE PROGRAM.

Of the aggregate amounts of development assistance and economic support assistance allocated for Latin America and the Caribbean, not less than $2,800,000 for each of the fiscal years 1992 and 1993 shall be provided to the Central American Journalism Program and Regional Administration of Justice Program's Center for the Administration of Justice to support democracy building activities in the region. The funds made available pursuant to this section shall be in addition to the level of assistance provided to these programs for fiscal year 1991.

Mr. WEISS. Mr. Chairman, I rise in strong support of H.R. 2508, the International Cooperation Act of 1991. I would like to begin by commending the chairman of the Foreign Affairs Committee, Mr. FASCELL, for his tireless—and often thankless—effort to complete this complex and important piece of legislation. His determination and commitment are very much appreciated by those of us who have worked under his leadership for so many months on this bill. I would also like to commend the Republican leadership of the committee, whose cooperation and active participation resulted in several important bipartisan provisions.

I would like to focus my remarks today on just one of those provisions—the section of the bill concerning U.S. policy toward Guatemala—section 733. With a striking degree of consensus and agreement, the Foreign Affairs Committee has adopted a set of strong human rights conditions on U.S. military and economic aid to that country.

This bipartisan agreement is an indication of the growing concern—both in Congress and the Bush administration—over Guatemala's deteriorating human rights situation. These concerns have been expressed very clearly by the State Department and by our able Ambassador in Guatemala City, Tom Stroock. According to the State Department's "Country Reports on Human Rights Practices:"

Reliable evidence indicates that security forces and civil patrols committed, with almost total impunity, a majority of the major human rights abuses [in Guatemala in 1990]. These include extrajudicial killings, torture, and disappearances of, among others, human rights activists, unionists, indigenous people, and street children.

The State Department report goes on to say that—

The security forces are virtually never held accountable for human rights violations. With few exceptions, the Government failed to investigate, detain, and prosecute those perpetrators of extrajudicial and politically motivated killings who were connected with the security forces.

In response to this deteriorating situation, the Foreign Affairs Committee has reached a bipartisan agreement on United States assistance to Guatemala. That agreement—which has been accepted by the State Department and which is included in the legislation before the House today—contains four main provisions:

First, a prohibition on military assistance to Guatemala for fiscal years 1992 and 1993. This provision would extend the current policy of the Bush administration, which suspended military aid last December in response to the inadequate investigation of the murder of United States citizen Michael Divine, who was allegedly killed by Guatemalan military intelligence personnel last June;

Second, a prohibition on lethal military sales to Guatemala under the Defense Trade and Export Control Act;

Third, a requirement that United States economic assistance to Guatemala may only be used for certain specified purposes—such as poverty alleviation, improving the performance of democratic institutions, and supporting the National Reconciliation Commission. This provision broadens our current policy so that economic support funds [ESF] will now be conditioned on demonstrated improvements in Guatemala's desperate human rights situation. This restriction may be waived by President Bush only if he certifies that the Guatemalan Government has made progress in eliminating human rights violations and in investigating major human rights cases. The committee report specifically refers to five cases on which progress must be demonstrated before a certification may be made: The June 1990 murder of U.S. citizen Michael Divine; the November 1989 abduction and torture of Ursuline Sister Dianna Ortiz—who was featured in a recent segment of ABC's "PrimeTime Live"; the September 1990 murder of anthropologist Myrna Mack; the October 1990 assassination attempt against Guatemalan journalist Byron Barrera and the assassination of his wife, Refugio Araceli Villanueva de Barrera; and the December 1990 massacre of 13 peasants in the town of Santiago Atitlan; and

Fourth, the creation of a demobilization and transition fund for Guatemala, which will provide United States aid to help monitor an eventual cease-fire and to facilitate a permanent settlement of Guatemala's internal conflict.

Mr. Speaker, the Foreign Affairs Committee has recommended this approach with a full awareness of the recent transition to a new Presidential administration in Guatemala. In the 6 months since his inauguration, President Jorge Serrano has indeed taken important steps to reverse Guatemala's tragic legacy of political violence.

For example, the new President has signed his intention to hold his security forces strictly accountable for their actions; he has named a new Defense Minister and a new police chief. And, perhaps most importantly, he has made a personal commitment to bring Guatemala's internal conflict—the longest running and most violent civil war in the hemisphere—to a peaceful, negotiated resolution.

These are very encouraging steps which deserve our commendation and support.

Unfortunately, other developments in Guatemala are not so encouraging—especially in the area of human rights. Not only has the pattern of human rights violations in Guatemala continued under the new Government, but the situation has actually become significantly worse during the last 6 months.

According to Guatemala's human rights ombudsman—a widely respected Government official—the number of extrajudicial killings during the first 3 months of this year is twice the number for the comparable period last year. More than a dozen labor leaders and politicians have fled the country in the last 3 weeks alone, after receiving death threats.

The victims of these abuses have often been the very people who alert the international community to Guatemala's human rights situation. Since January, three members of the human rights monitoring group, CERJ, have been murdered, as have members of their families.

This escalation of abuses demonstrates that President Serrano's good intentions are simply not enough to reverse the increasing pattern of human rights abuses in Guatemala. In light of this deteriorating situation, the United States can no longer base its foreign assistance—either military or economic—on promises alone. We must first see concrete, measurable human rights improvements.

The new President's promises to safeguard human rights were not enough to prevent the hundreds of extrajudicial killings that have already occurred this year, or the dozens of cases of torture and forced disappearance. Those promises were not enough to convince labor leaders and politicians to remain in the country. Therefore, although we are encour-

aged by President Serrano's well-intended promises, the committee has concluded that the actual pattern of abuses must be reversed before U.S. assistance may be released.

In conclusion, Mr. Chairman, let me once again urge my colleagues to support this legislation and send a strong bipartisan message about our commitment to promote justice and human rights in Guatemala.

The CHAIRMAN pro tempore. Are there any amendments to title VII?

If not, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—EUROPE AND THE MIDDLE EAST

CHAPTER 1—MIDDLE EAST

SEC. 801. ASSISTANCE FOR ISRAEL.

(a) ECONOMIC SUPPORT ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Of the amounts made available for economic support assistance, not less than $1,200,000,000 for fiscal year 1992 and not less than $1,200,000,000 for fiscal year 1993 shall be available only for Israel.

(2) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year pursuant to subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

(b) FOREIGN MILITARY FINANCING GRANTS.—

(1) AMOUNT OF ASSISTANCE.—Of the amounts made available for foreign military financing grants, not less than $1,800,000,000 for fiscal year 1992 and not less than $2,000,000,000 for fiscal year 1993 shall be available only for Israel.

(2) EXPEDITED DELIVERY OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year pursuant to subsection (a) shall be disbursed within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, amounts made available for Israel pursuant to paragraph (1) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems as follows:

(A) Up to $150,000,000 for each fiscal year shall be available for research and development in the United States.

(B) Not less than $475,000,000 for each fiscal year shall be available for procurement in Israel of defense articles and defense services, including research and development.

(c) MILITARY STOCKPILES IN ISRAEL.—Of amounts authorized by section 2703(b) of the Foreign Assistance Act of 1961 for the additions to stockpiles, $300,000,000 for fiscal year 1992 and $300,000,000 for fiscal year 1993 shall be available only for stockpiles in Israel.

(d) SPECIAL DRAWDOWN AUTHORITY FOR ISRAEL.—

(1) AUTHORIZATION.—In order to assist Israel in meeting its defense requirements and the threats it faces, during fiscal years 1992 and 1993 the President may direct, for the purposes of providing assistance under title II of the Foreign Assistance Act of 1961, the drawdown for Israel of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, having an aggregate value of up to $700,000,000 (subject to paragraph (2)).

(2) RELATION TO FY 1991 APPROPRIATIONS ACT AUTHORITY.—The amount specified in paragraph (1) shall be reduced by the value of any defense articles, defense services, and military education and training made available to Israel under section 599B of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(3) RELATION TO OTHER AUTHORITIES.—Any defense articles, defense services, and military education and training made available to Israel under this subsection shall be in addition to any defense articles, defense services, and military education and training made available to Israel under other provision of law.

(4) DRAWDOWNS FROM UNITS WITHDRAWING FROM EUROPE.—To the maximum extent feasible, drawdowns under this subsection shall be made from units withdrawn or to be withdrawn from Europe.

(5) EXTENSION OF AUTHORITY.—In the event the President determines that the timing of the drawdown under this subsection would have an adverse impact on the readiness of the Armed Forces of the United States, the President shall have such additional time beyond the end of fiscal year 1993 as the President determines appropriate in which to exercise the authority of this subsection. The President shall notify the appropriate congressional committees of any determination under this paragraph, including an estimate of when the total amount authorized to be drawndown by this subsection will be provided to Israel.

(6) REPORT.—The President shall, within 6 months after the last delivery under this subsection, submit to the appropriate congressional committees a report identifying the defense articles, defense services, and military education and training provided to Israel under this subsection.

(7) REIMBURSEMENT OF DEFENSE ACCOUNTS.—Section 7201(d) of the Foreign Assistance Act of 1961 does not apply with respect to drawdowns under this section, but section 2901(g) of that Act does apply with respect to such drawdowns.

SEC. 802. ASSISTANCE FOR EGYPT.

(a) ECONOMIC SUPPORT ASSISTANCE.—

(1) AMOUNTS OF ASSISTANCE.—Of the amounts made available for economic support assistance, not less than $815,000,000 for fiscal year 1992 and not less than $815,000,000 for fiscal year 1993 shall be available only for Egypt.

(2) CONDITIONS FOR SECTOR GRANTS.—Assistance provided for Egypt pursuant to this subsection may include sector grants only if Egypt implements agreed upon reforms in the relevant sector.

(3) LAW ENFORCEMENT ASSISTANCE.—Notwithstanding section 6202 of the Foreign Assistance Act of 1961, assistance provided for Egypt pursuant to this subsection may include support for instruction and training for Egyptian civilian law enforcement personnel with respect to human rights, democratic pluralism, and comparative criminal justice systems, including support for related curriculum development and research. Such assistance may be provided only through United States institutions of higher education or through the International Criminal Investigative Training Assistance Program of the United States Department of Justice.

(b) FOREIGN MILITARY FINANCING GRANTS.—Of the amounts made available for foreign military financing grants, not less than $1,300,000,000 for fiscal year 1992 and not less than $1,300,000,000 for fiscal year 1993 shall be available only for Egypt.

SEC. 803. PROMOTING PLURALISM AND DEMOCRACY.

Of the amounts allocated by the Agency for International Development for democratic initiatives and human rights, up to $10,000,000 for fiscal year 1992 and up to $10,000,000 for fiscal year 1993 shall be used to support the growth of indigenous nongovernmental organizations that contribute to increased pluralism, democracy, and respect for human rights and the rule of law in the Middle East.

SEC. 804. WEST BANK AND GAZA PROGRAM.

Of the amounts made available for economic support assistance, not less than $16,000,000 for fiscal year 1992 and not less than $16,000,000 for fiscal year 1993 shall be available only for the West Bank and Gaza program.

SEC. 805. MIDDLE EAST COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.

Of the amounts made available for economic support assistance, not less than $7,000,000 for fiscal year 1992 and not less than $7,000,000 for fiscal year 1993 shall be available only for regional cooperative projects in the Middle East in accordance with section 202(c) of the International Security and Development Cooperative Act of 1985.

SEC. 806. COOPERATIVE DEVELOPMENT PROJECTS.

(a) COOPERATIVE DEVELOPMENT PROGRAM.—Of the amounts made available for development assistance, not less than $5,000,000 for fiscal year 1992 and not less than $5,000,000 for fiscal year 1993 shall be used to finance projects among the United States, Israel, and developing countries under the Cooperative Development Program.

(b) COOPERATIVE DEVELOPMENT RESEARCH.—Of the amounts made available for development assistance, not less than $2,500,000 for fiscal year 1992 and not less than $2,500,000 for fiscal year 1993 shall be used to finance cooperative development research projects among the United States, Israel, and developing countries.

SEC. 807. ISRAELI-PALESTINIAN PEOPLE-TO-PEOPLE ACTIVITIES.

It is the sense of the Congress that, in order to promote better understanding and mutual respect between the Israeli and Palestinian peoples, the United States should support educational, cultural, and humanitarian activities that bring Israelis together with Palestinians living in the West Bank and Gaza.

SEC. 808. POLICY TOWARD AND ASSISTANCE FOR LEBANON.

(a) UNITED STATES POLICY.—It is the sense of the Congress that United States policy toward Lebanon should—

(1) support the unity, sovereignty, and territorial integrity of Lebanon;

(2) work for the immediate release of American hostages seized in Lebanon;

(3) encourage the Government of Lebanon to undertake political reforms to establish representative democratic institutions;

(4) oppose Syrian control of Lebanon and the use of Lebanese territory by Syria for illegal narcotics production and trafficking;

(5) seek the removal of all Syrian, other Arab, and Iranian troops from Lebanon;

(6) seek the removal of Israeli forces from Lebanon as soon as the Government of Lebanon is capable of effectively guaranteeing an end to cross-border terrorism;

(7) provide, under present circumstances, humanitarian and economic assistance to the people of Lebanon through American and international private voluntary organizations and to American institutions in Lebanon, such as the American University of Beirut and Beirut University College; and

(8) ensure that none of the assistance provided to Lebanon benefits the Government of Syria.

(b) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for economic support assistance, not less than $4,000,000 for fiscal year 1992 and not less than $4,000,000 for fiscal year 1993 shall be available only for Lebanon.

(c) DEVELOPMENT ASSISTANCE.—Of the amounts made available for development assistance, not less than $6,000,000 for fiscal year 1992 and not less than $6,000,000 for fiscal year 1993 shall be available only for Lebanon.

(d) MILITARY SALES.—During the period beginning on the date of enactment of this Act and ending on September 30, 1993, defense articles and defense services may not be sold to Lebanon under the Defense Trade and Export Control Act, and deliveries to Lebanon of defense articles and defense services pursuant to any previous such sale shall be suspended, unless the President submits to appropriate congressional committees a report that—

(1) sets forth the purpose and value of the defense articles and defense services to be provided;

(2) identifies the intended end-user within the Lebanese Government of those defense articles and defense services; and

(3) states that the President has determined that—

(A) those defense articles and defense services will assist the Government of Lebanon in establishing effective control of Lebanese territory; and

(B) sufficient safeguards exist to ensure that those defense articles and defense services will not benefit the Government of Syria.

Any such report shall describe the basis for the determinations described in paragraph (3).

SEC. 809. RESTRICTIONS AND REPORTS WITH REGARD TO SYRIA.

(a) RESTRICTIONS ON ASSISTANCE.—United States assistance may not be provided to Syria until the President determines, and so reports to the relevant congressional committees, that—

(1) the Government of Syria has demonstrated its willingness to enter into direct bilateral negotiations with the State of Israel;

(2) the Government of Syria—

(A) does not deny its citizens, or any segment of its citizens, the right or opportunity to emigrate,

(B) does not impose any tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever, and

(C) does not impose any tax, levy, fine, or other charge (other than a nominal fee for administrative expenses) on any citizen as a consequence of the desire of such citizen to emigrate to the country of his or her choice;

(3) the Government of Syria is assisting the United States Government in obtaining the release of American hostages seized in Lebanon;

(4) the Government of Syria no longer supports groups responsible for acts of international terrorism and no longer provides safe haven for terrorists;

(5) the Government of Syria is withdrawing its armed forces from Lebanon;

(6) the Government of Syria is no longer acquiring chemical, biological, or nuclear weapons, and the President has received credible assurances that any such weapons now in the Syrian arsenal will not be used to threaten Syria's neighbors;

(7) the Government of Syria is fully cooperating with United States antinarcotics efforts and is taking steps to remove those members of the Syrian Government who are involved in the drug trade;

(8) the Government of Syria has made progress in improving its record of respect for internationally recognized human rights; and

(9) the Government of Syria has extradited the notorious Nazi war criminal Alois Bruner to Germany.

(b) REPORT TO CONGRESS.—Six months after a report is submitted pursuant to subsection (a), the President shall submit to the relevant congressional committees a report on United States policy towards Syria, with specific reference to each of the issues described in paragraphs (1) through (8) of subsection (a).

(c) ANNUAL REPORT THIRD COUNTRY ARMS SALES TO SYRIA.—Not later than March 31 of each year, the President shall submit to the relevant congressional committees a detailed report (which shall be based on all relevant information available to the United States Government) on all third country transfers of weapons and other military equipment to Syria during the previous calendar year. Each such report shall include an analysis of the impact of these transfers, especially—

(1) the cumulative amount and value of these transfers;

(2) the effect of these transfers on regional stability, security, and the balance of power;

(3) the extent to which these transfers make regional peace or war more or less likely;

(4) the extent to which an actual military need exists for these transfers;

(5) the extent to which Syria can bear the cost of purchasing, maintaining, operating, and securing the new weapons or other military equipment; and

(6) the effect on Israel's qualitative edge in the region, and the amount and type of military or economic assistance would be required to compensate for any loss in Israel's qualitative edge.

(d) DEFINITIONS.—As used in this section—

(1) the term "relevant congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(2) the term "United States assistance" has the same meaning it has under section 7601(e)(5) of the Foreign Assistance Act of 1961.

SEC. 810. CAPTURED IRAQI EQUIPMENT.

(a) REQUIREMENT FOR CONGRESSIONAL NOTIFICATION BEFORE THIRD COUNTRY TRANSFER.—Equipment, supplies, or material captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government (or other entity) of any foreign country in the Middle East only if the relevant congressional committees are notified in advance in accordance with their regular notification procedures.

(b) DEFINITIONS.—As used in this section—

(1) the term "material" includes all lethal and nonlethal instruments of war and their supporting elements, components, and subcomponents; and

(2) the term "relevant congressional committees" means—

(A) in the House of Representatives, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs; and

(B) in the Senate, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations.

SEC. 811. IRAQI COMPENSATION FOR DAMAGES TO OTHER COUNTRIES.

It is the sense of the Congress that under international law and the terms of United Nations Security Council Resolutions 674 (1990) and 687 (1991)—

(1) Iraq is liable for any direct loss, damage, or injury to foreign governments, nationals, and corporations as a result of Iraq's invasion and illegal occupation of Kuwait; and

(2) Israel is a country that suffered damage as a result of Iraq's aggression and should, therefore, be able to receive compensation from Iraq commensurate with the damage Israel suffered from that aggression.

SEC. 812. PEACE AND STABILITY IN THE MIDDLE EAST.

(a) EFFORTS TO ACHIEVE.—It is the sense of the Congress that, in the aftermath of the Persian Gulf conflict, the United States should work with its Arab coalition partners—

(1) to encourage their active support for efforts to achieve peace and stability in the Middle East and to settle the Arab-Israeli conflict through direct negotiations; and

(2) to take specific steps to—

(A) recognize Israel's right to exist,

(B) terminate the economic and diplomatic boycott of Israel,

(C) cease efforts to expel Israel from international organizations or to deny Israel the opportunity to participate in the activities of such organizations, and

(D) terminate assistance to countries or groups that commit or support acts of international terrorism.

(b) REPORTS ON IMPLEMENTATION OF POLICIES.—Not later than 3 months after the date of enactment of this Act and every 6 months thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on progress in implementing the policies expressed in subsection (a).

SEC. 813. CUMULATIVE IMPACT OF CONVENTIONAL ARMS TRANSFERS TO THE MIDDLE EAST.

(a) ANNUAL REPORT.—Not later than January 31 each year, the President shall submit to the appropriate congressional committees a report containing the following:

(1) An analysis of the Middle East arms balance based upon the cumulative impact of the aggregate transfers of defense articles and defense services to the region by all countries during the previous calendar year.

(2) An analysis of how United States policy goals are advanced by United States transfers of defense articles and defense services to the region.

(3)(A) An analysis of what type of military or economic compensation is required, as a result of the transfers described in paragraph (1), to countries whose qualitative edge the United States is committed to maintaining, and how such compensation is to be funded.

(B) A detailed description of steps taken to preserve this qualitative edge and areas requiring attention due to a decline in comparative advantage.

(4) An analysis of defense articles and defense services obtained by Middle East coun-

tries from sources other than the United States.

(b) FACTORS.—The analyses required by subsection (a) shall be based on the following factors:

(1) The effect of the transfers of defense articles and defense services on regional stability and security.

(2) With respect to United States transfers, an assessment of the threat those transfers were intended to offset, and the extent to which an actual military need existed for the transfers.

(3) The extent to which those transfers will contribute to a regional arms race.

(4) The ability of the recipient country to operate, maintain, secure, and bear the cost of the defense articles and defense services transferred.

SEC. 814. RESTRICTIONS ON NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION.

Section 1302 of the International Security and Development Cooperation Act of 1985 is amended—

(1) by inserting "(1)" after "POLICY.—"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(2) In 1990 the United States, along with other members of the United Nations Security Council, condemned Iraq's invasion and annexation of Kuwait and called upon Iraq to withdraw from Kuwait. In 1991, the United States led a 28 nation coalition in military action to eject Iraq from Kuwait and implement the 12 Security Council resolutions regarding Iraq's invasion of Kuwait. The Palestine Liberation Organization opposed these policies of the United States and worked against their implementation.

"(b) REAFFIRMATION AND CODIFICATION OF POLICIES.—The United States hereby reaffirms the policies referred to in subsection (a). In accordance with these policies, no officer or employee of the United States Government and no agent or other individual action on behalf of the United States Government shall negotiate with the Palestine Liberation Organization or representatives thereof (except in emergency or humanitarian situations) unless and until the Palestine Liberation Organization recognizes Israel's right to exist, and amends its charter to reflect such recognition; clearly and unequivocally accepts United Nations Security Council Resolutions 242 and 338; and renounces and ceases the use of terrorism by any group represented on the Palestine Liberation Organization Executive Committee or the Palestine National Council.

"(c) DEFINITION OF TERRORISM.—As used in subsection (b), the term 'use of terrorism' has the same meaning as the term 'engage in terrorist activity' as defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)).".

SEC. 815. UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 3379.

(a) FINDING.—The Congress finds that the General Assembly of the United Nations adopted Resolution 3379 on November 10, 1975, maintaining that Zionism constitutes a form of racism.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should use all available means to obtain rescission by the United Nations General Assembly of Resolution 3379, and the Congress calls upon the General Assembly to rescind that resolution.

SEC. 816. 1981 ISRAELI PREEMPTIVE STRIKE AGAINST THE IRAQI NUCLEAR REACTOR AT OSIRAK.

(a) FINDINGS.—The Congress finds that—

(1) on June 7, 1981, the Israeli air force launched a preemptive strike against the Iraqi nuclear reactor at Osirak;

(2) on June 19, 1981, the United Nations Security Council adopted Resolution 487 which condemned that Israeli preemptive strike;

(3) in the years following that Israeli preemptive strike, Iraq demonstrated an ability and willingness to use weapons of mass destruction, as evidenced by chemical weapons attacks against both Iranian military forces and Kurdish Iraqi citizens;

(4) in 1990, Iraqi President Hussein attempted to illegally acquire triggering devices for atomic bombs, and also threatened to use weapons of mass destruction against both neighboring Arab countries and Israel;

(5) in August 1990, Iraq invaded and occupied Kuwait, demonstrating a continuing policy of aggression;

(6) after United States-led coalition forces attacked the Iraqi forces on January 16, 1991, Iraq attempted to draw Israel, a nonbelligerent country, into the conflict by launching 42 Scud missiles at Israel; and

(7) there is no evidence that the Israeli preemptive strike against the Iraqi nuclear reactor at Osirak delayed efforts to resolve the Arab-Israeli conflict.

(b) POLICY DECLARATIONS.—It is the sense of the Congress that—

(1) the 1981 Israeli preemptive strike against the Iraqi nuclear reactor at Osirak was a legitimate and justifiable exercise of self-defense which also reduced the threat of Iraqi nuclear aggression against countries bordering Iraq; and

(2) the United States should seek the repeal of United Nations Security Council Resolution 487 which condemned that 1981 Israeli preemptive strike.

SEC. 817. DEMOCRATIC REFORM AND HUMAN RIGHTS IN KUWAIT.

(a) FINDINGS.—The Congress finds that—

(1) on January 16, 1991, the United States led a 28 nation coalition in military action to eject Iraq from Kuwait and implement the 12 United Nations Security Council resolutions regarding Iraq's invasion of Kuwait;

(2) it is United States policy to promote the cause of human rights and the development of democratic institutions in Kuwait and around the world;

(3) there are the continuing reports of torture and extrajudicial killings in Kuwait, allegedly carried out by Kuwaiti armed forces and members of "resistance" groups against those who are alleged to have collaborated with the Iraqi occupation; and

(4) there is a lack of political rights in Kuwait, manifest in part by the 1986 suspension of the elected national assembly and the restricted nature of the franchise in Kuwait.

(b) RESTRICTION ON ARMS SALES.—Sales may not be made to Kuwait under the Defense Trade and Export Control Act, and licenses may not be issued under section 38 of that Act for the export to Kuwait of any item on the United States Munitions List, unless the President certifies to the appropriate congressional committees that the Government of Kuwait—

(1) has put an end to the occurrences of arbitrary arrest, torture, and extrajudicial killing by Kuwaiti armed forces, and is making a genuine effort to stop such acts by nongovernmental resistance groups;

(2) has clarified the legal basis for arrest and detention in Kuwait;

(3) has ensured that those detained have access to legal counsel and to humanitarian and human rights groups;

(4) has ensured that the rights to a speedy trial, due process, and a meaningful appeal of any sentence are accorded to each and every detainee;

(5) has the intention to extend the right to vote to all citizens irrespective of sex or literacy; and

(6) established a date certain, that is not later than December 31, 1992 (unless the government and the opposition agree on another date), on which parliamentary elections will be held.

CHAPTER 2—EASTERN MEDITERRANEAN

SEC. 821. ASSISTANCE FOR CYPRUS.

(a) AMOUNT OF ASSISTANCE.—Of the amounts made available for economic support assistance, not less than $15,000,000 for fiscal year 1992 and not less than $15,000,000 for fiscal year 1993 shall be available only for Cyprus.

(b) USES OF ASSISTANCE.—Assistance provided for Cyprus pursuant to this section may be used only for scholarships or for bicommunal projects.

SEC. 822. ASSISTANCE FOR GREECE.

Of the amounts made available for foreign military financing assistance, such amounts as may be necessary only shall be available to provide the following aggregate amounts of foreign military financing assistance for Greece: $350,000,000 for fiscal year 1992 and $350,000,000 for fiscal year 1993.

SEC. 823. ASSISTANCE FOR TURKEY.

Of the amounts made available for foreign military financing assistance, such amounts as may be necessary only shall be available to provide the following aggregate amounts of foreign military financing assistance for Turkey: $500,000,000 for fiscal year 1992 and $500,000,000 for fiscal year 1993.

SEC. 824. ADMISSION OF TURKEY INTO THE EUROPEAN COMMUNITY AND THE WESTERN EUROPEAN UNION.

It is the sense of the Congress that the President should do everything possible to support Turkey's inclusion in the full range of political, economic, and military institutions in Europe, including the European Community and the Western European Union.

SEC. 825. UNITED NATIONS SECRETARY GENERAL'S PEACE INITIATIVES REGARDING CYPRUS.

(a) FINDINGS.—The Congress finds that—

(1) the United States and Cyprus have close, long-standing ties;

(2) resolution of the Cyprus conflict is important for peace and stability in the Eastern Mediterranean and to the interests of the United States; and

(3) the United Nations Secretary General's proposals regarding Cyprus constitute an important step in the search for a solution to the conflict.

(b) POLICY DECLARATIONS.—The Congress—

(1) declares its support for the United Nations Secretary General's peace initiatives regarding Cyprus on the basis of United Nations Security Council resolutions; and

(2) encourages both parties on Cyprus to cooperate with the Secretary General.

CHAPTER 3—SUPPORT FOR EAST EUROPE DEMOCRACY

SEC. 841. AMENDMENTS TO SEED ACT OF 1989.

Except as otherwise expressly provided, whenever in this chapter an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179).

SEC. 842. UNITED STATES POLICY REGARDING EASTERN EUROPE.

(a) STATEMENT OF POLICY.—The provisions preceding title I are amended—

(1) by redesignating section 2 (22 U.S.C. 5401) as section 3; and

(2) by inserting the following new section 2 after the table of contents in section 1(b):

"SEC. 2. UNITED STATES POLICY REGARDING EASTERN EUROPE.

"(a) IN GENERAL.—It shall be the policy of the United States to facilitate the reintegration of the East European countries into the community of democratic nations and to end the artificial division of Europe. In furtherance of these objectives, the United States shall support economic and political reform in East European countries, both through—

"(1) the provision of assistance to governments and private individuals and entities in those countries, and

"(2) the promotion of a United States commercial presence in those countries.

"(b) ASSISTANCE.—Pursuant to subsection (a)(1), the United States should provide assistance for East European countries under the authorities of this Act to the extent that such countries are taking steps toward—

"(1) political pluralism, based on progress toward free and fair elections and a multiparty political system;

"(2) economic reform, based on progress toward a market-oriented economy;

"(3) respect for internationally recognized human rights; and

"(4) a willingness to build a friendly relationship with the United States.

"(c) REINTEGRATION OF EASTERN EUROPE INTO THE COMMUNITY OF DEMOCRATIC NATIONS.—

"(1) FINDINGS.—The Congress finds that—

"(A) the process in Eastern Europe of building democratic institutions and governments based on the rule of law and of developing market-oriented economies, will be far from complete during the 3-year period originally authorized in this Act;

"(B) the process of reintegrating Eastern Europe into the community of democratic nations will be slower and more difficult than was expected at a time of general euphoria following the democratic revolutions of 1989;

"(C) grant and loan assistance provided to date to Eastern Europe through the G-24 process (through the member governments of the Organization for Economic Cooperation and Development) has been generous but frequently duplicative;

"(D) successful reintegration of Eastern Europe into the community of democratic nations will require broader outreach by United States and G-24 assistance programs to populations, enterprises, and local and regional governments outside of national capitals.

"(2) POLICIES.—Accordingly—

"(A) the United States should commit itself, and seek the commitment of other G-24 governments, to the completion of Eastern Europe's reintegration into the community of democratic nations, and future requests for assistance should reflect the commitment of the United States to this task;

"(B) the United States and other G-24 governments should coordinate their assistance more thoroughly in order to prevent duplication of effort and to maximize the effectiveness of assistance provided; and

"(C) the United States should ensure that the assistance provided to each eligible East European country under this Act is distributed equitably through the country.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 1(b) is amended by striking out the item relating to section 2 and inserting in lieu thereof the following:

"Sec. 2. United States policy regarding Eastern Europe.

"Sec. 3. Support for East European Democracy (SEED) Program.".

SEC. 843. EAST EUROPEAN COUNTRIES ELIGIBLE FOR SEED BENEFITS.

(a) ELIGIBILITY CRITERIA.—The provisions preceding title I are amended by inserting after section 3 (22 U.S.C. 5401), as so redesignated by section 842 of this Act, the following new section:

"SEC. 4. COUNTRIES ELIGIBLE FOR SEED BENEFITS.

"(a) ELIGIBLE EAST EUROPEAN COUNTRY.—For purposes of this Act, the term 'eligible East European country' means—

"(1) Poland,

"(2) Hungary,

"(3) the Czech and Slovak Federal Republic,

"(4) Bulgaria, and

"(5) any other East European country if the President has reported to the Congress that he has determined that that country is taking the steps described in section 2(b).

"(b) YUGOSLAVIA.—Yugoslavia shall also be considered to be an eligible East European country for purposes of this Act, unless the President determines, and reports to the Congress, that Yugoslavia is not taking the steps described in section 2(b).".

(b) CONFORMING AMENDMENTS.—

(1) SUMMARY DESCRIPTION OF SEED PROGRAM.—Subsection (a) of section 3, as so redesignated by section 842 of this Act, is amended by striking out "countries" and all that follows through "pluralism" and inserting in lieu thereof "East European countries that are taking the steps described in section 2".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b), as amended by section 842(b) of this Act, is further amended by inserting after the item relating to section 3 the following:

"Sec. 4. Countries eligible for SEED benefits.".

SEC. 844. STRUCTURAL ADJUSTMENT.

(a) MULTILATERAL ASSISTANCE.—Subsection (a) of section 101 (22 U.S.C. 5411) is amended—

(1) in the subsection heading, by striking out "for Poland and Hungary"; and

(2) in paragraph (1)—

(A) by striking out "Poland and Hungary continue" and inserting in lieu thereof "an eligible East European country continues"; and

(B) by striking out "Poland and Hungary" the second place it appears and inserting in lieu thereof "that country".

(b) STABILIZATION ASSISTANCE AND DEBT RELIEF.—

(1) MULTILATERAL SUPPORT.—Section 101 is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b) STABILIZATION ASSISTANCE.—To the extent that an eligible East European country continues to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government, in conjunction with other member governments of the Organization of Economic Cooperation and Development (OECD) and international financial institutions (including the International Monetary Fund), shall support the implementation of a program to address key structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements, through the use of mechanisms such as—

"(1) the Exchange Stabilization Fund pursuant to section 5302 of title 31, United States Code, and in accordance with established Department of the Treasury policies and procedures; and

"(2) the authority provided in section 102(c) of this Act.

"(c) DEBT RELIEF.—To the extent that an eligible East European country continues to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government, as appropriate for individual eligible East European countries—

"(1) shall urge all members of the 'Paris Club' of creditor governments and other creditor governments to adopt, and participate in, a generous and early debt rescheduling program, as well as a program of reductions, on a case-by-case basis, of official debt and official debt service owed to such governments by the government of an eligible East European country; and

"(2) shall seek, in coordination with other creditor governments, to expedite consultations between the government of that East European country and its major private creditors in order to facilitate a rescheduling and reduction of payments due on debt owed to such creditors in a manner consistent with the international debt policy announced by the Secretary of the Treasury on March 10, 1989.".

(2) AUTHORIZATION FOR STABILIZATION ASSISTANCE.—Section 102(c) (22 U.S.C. 5412) is amended—

(A) in the section heading by striking out "ADDITIONAL";

(B) in paragraph (1)—

(i) by striking out "paragraph (1) of";

(ii) by striking out "urgent";

(iii) by striking out "Polish economy" and inserting in lieu thereof "economy of an eligible East European country"; and

(iv) by striking out "Poland" and inserting in lieu thereof "the eligible East European country"; and

(C) in paragraph (2) by inserting "with respect to Poland" after "fund)".

(c) DEBT-FOR-EQUITY AND DEBT-FOR-DEVELOPMENT SWAPS.—Section 104 (22 U.S.C. 5414) is amended—

(1) in subsection (a), by striking out "East European countries which have taken substantive steps toward political democracy and economic pluralism" and inserting in lieu thereof "eligible East European countries"; and

(2) in subsection (b), by striking out "East European country which has taken substantive steps toward political democracy and economic pluralism" and inserting in lieu thereof "eligible East European country".

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADINGS.—(A) Section 101 is amended in the section heading by striking out "IN POLAND AND HUNGARY".

(B) Section 102 is amended in the section heading by striking out "FOR POLAND".

(2) CROSS REFERENCES.—(A) Section 102(a)(2) (22 U.S.C. 5412) is amended by striking out "(1)(A)" and inserting in lieu thereof "(1)".

(B) Section 103(b) (22 U.S.C. 5413) is amended by striking out "Pursuant to section 101(b)(3)" and inserting in lieu thereof "To the extent that Poland continues to evolve toward pluralism and democracy and to implement comprehensive economic reform programs".

(3) TABLE OF CONTENTS.—The table of contents in section 1(b) is amended—

(A) in the item relating to section 101 by striking out "in Poland and Hungary"; and

(B) in the item relating to section 102 by striking out "for Poland".

SEC. 845. PRIVATE SECTOR DEVELOPMENT.

(a) ASSISTANCE FOR PRIVATE ENTERPRISE DEVELOPMENT.—Title II is amended—

(1) by redesignating sections 202 through 206 as sections 203 through 207, respectively; and

(2) by inserting after section 201 the following new section 202:

"SEC. 202. PRIVATE ENTERPRISE DEVELOPMENT.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—For purposes of promoting private sector development in eligible East European countries, the Agency for International Development is authorized to provide assistance—

"(1) for activities similar to those for which assistance is authorized by section 201, such assistance to be provided in a manner similar to the manner in which assistance is authorized to be provided by that section; and

"(2) to support United States participation in capital projects, both public infrastructure projects and private investment projects.

"(b) NOTICE TO CONGRESS OF MANNER IN WHICH ASSISTANCE WILL BE PROVIDED.—Each notification pursuant to section 706 with respect to funds to be obligated to carry out subsection (a)(1) shall specify the manner in which assistance will be provided.

"(c) NONAPPLICABILITY OF OTHER LAWS.—Funds made available for assistance under this section may be used notwithstanding any other provision of law.".

(b) LABOR MARKET TRANSITION.—Section 203 (22 U.S.C. 5422), as so redesignated by subsection (a) of this section, is amended—

(1) in the section heading, by striking out "IN POLAND AND HUNGARY";

(2) in subsection (a), by striking out "Poland and Hungary" in paragraphs (1) and (2) and inserting in lieu thereof "eligible East European countries";

(3) in subsection (c)(3), by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(4) in subsection (g), by striking out all that follows "section" and inserting in lieu thereof "$5,000,000."; and

(5) by adding at the end the following:

"(h) AID AUTHORITY.—The President, acting through the Administrator of the Agency for International Development, is authorized to use funds made available to carry out this Act to provide the assistance described in this section for eligible East European countries. Assistance may be provided under this subsection notwithstanding any other provision of law.".

(c) TECHNICAL TRAINING AND ASSISTANCE.—

(1) EXPANSION OF AUTHORITY.—Section 204 (22 U.S.C. 5423), as so redesignated by subsection (a) of this section, is amended—

(A) in the section heading, by striking out "FOR" and all that follows through "HUNGARY" and inserting in lieu thereof "AND ASSISTANCE"; and

(B) by amending subsection (a) to read as follows:

"(a) TECHNICAL TRAINING AND ASSISTANCE PROGRAMS.—The President, acting through the Administrator of the Agency for International Development, shall develop and implement programs of technical training and technical assistance for eligible East European countries to enable them to better meet their needs as they develop a market economy and democratic institutions. These programs may include—

"(1) training in skills of agribusiness (including agricultural extension), commerce, entrepreneurship, finance, science (including environmental science), pollution control, business and government administration and management, auditing, accounting, drafting legal codes and regulations, and other relevant areas; and

"(2) technical assistance in areas specified in paragraph (1).".

(2) PARTICIPATION OF NGOS.—Paragraph (6) of subsection (b) is amended to read as follows:

"(6) United States private and voluntary organizations and private sector entities, and private and voluntary organizations and private sector entities of eligible East European countries."

(3) COMPETITIVE PROCEDURES.—That section is further amended—

(A) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) COMPETITIVE PROCEDURES.—In carrying out this section, the Agency for International Development shall use competitive procedures to the maximum extent practicable in making grants to, and entering into contracts with, nongovernmental entities.".

(4) TECHNICAL CORRECTIONS.—That section is amended—

(A) in subsection (b), by striking out "406(a) (1) and (2)" and inserting in lieu thereof "501"; and

(B) in subsection (f), as so redesignated by paragraph (2)(A) of this subsection—

(i) by striking out "406(a) (1) and (2)" and inserting in lieu thereof "501(a)"; and

(ii) by striking out "1107 of the Food Security Act of 1985 (7 U.S.C. 1736 note)" and inserting in lieu thereof "501(c) of that Act (7 U.S.C. 1737(c))".

(d) PEACE CORPS PROGRAMS.—Section 205 (22 U.S.C. 204), as so redesignated by subsection (a) of this section, is amended—

(1) in the section heading, by striking out "IN POLAND AND HUNGARY";

(2) by striking out the first sentence;

(3) in the second sentence by striking out "Such programs and inserting in lieu thereof "Peace Corps programs in eligible East European countries"; and

(4) in paragraph (2), by striking out "technical skills described in section 203(a) to the people of Poland and Hungary" and inserting in lieu thereof "training in technical skills described in section 204(a)(1) to the people of eligible East European countries".

(e) USE OF LOCAL CURRENCIES.—

(1) EXPANSION OF AUTHORITY.—Section 206 (22 U.S.C. 5425), as so redesignated by subsection (a) of this section, is amended—

(A) in the section heading, by striking out "polish" and inserting in lieu thereof "LOCAL"; and

(B) in subsection (a)—

(i) by striking out "FOR POLAND" in the subsection heading;

(ii) by striking out "Poland" in the text preceding paragraph (1) and inserting in lieu thereof "the recipient country";

(iii) in paragraph (1), by striking out "for Poland authorized by sections 103(b), 201, and 203" and inserting in lieu thereof "provided for in sections 103, 201, 202, and 204";

(iv) in paragraph (2), by inserting "in the case of Poland," after "(2)";

(v) in subsection (b), by striking out "in Poland"; and

(vi) in subsection (c), by striking out "Poland for fiscal years 1990, 1991, and 1992" and inserting in lieu thereof "an eligible East European country".

(2) CROSS REFERENCE.—Section 204(f), as so redesignated by subsections (a) and (c)(2)(A), is amended by striking out "205" and inserting in lieu thereof "206".

(f) CREDIT UNIONS.—

(1) UNITED STATES POLICY.—Section 207 (22 U.S.C. 5426), as so redesignated by subsection (a), is amended—

(A) in the section heading, by striking out "POLISH AND HUNGARIAN"; and

(B) in subsection (a)—

(i) in the text preceding paragraph (1), by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(ii) in paragraph (1), by striking out "Poland and Hungary" and inserting in lieu thereof "those countries"; and

(iii) in paragraph (2), by striking out "Poland and Hungary" and inserting in lieu thereof "those countries".

(2) CONFORMING AMENDMENT TO FEDERAL CREDIT UNION ACT.—Paragraph (16) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757) (as added by the Support for East European Democracy (SEED) Act of 1989) is amended by striking out "Poland and Hungary" and inserting in lieu thereof "countries that are eligible Eastern European countries for purposes of the Support for East European Democracy (SEED) Act of 1989".

(g) ASSISTANCE TO STATE ENTERPRISES.—Title II is amended by adding at the end the following new section:

"SEC. 208. ASSISTANCE TO STATE ENTERPRISES.

"(a) FINDINGS.—The Congress finds that a very large percentage of the economies of Eastern Europe are dominated by state enterprises which were established during the period of Communist government. Democratically elected governments of East European countries have begun to implement a major program of decontrol and privatization in order to move to a free market economy. The selective provision of assistance, particularly technical training and assistance, to state-owned enterprises may in some instances be crucial in assisting to achieve a speedier and more successful transition from state ownership to a system of production based on private investment.

"(b) POLICY.—The provisions of this title shall not be interpreted to prevent assistance provided under this title to state enterprises in an eligible East European country for a period of two years following the date of enactment of this section, provided such assistance is designed to facilitate the speedy transition to a free market economy through a privatization of such enterprises and the further movement of the economy of that country toward a system of production based on private investment.".

(h) CONFORMING AMENDMENTS TO TABLE OF CONTENTS.—The table of contents in section 1(b) is amended—

(1) by striking out "202", "203", "204", "205", and "206" and inserting in lieu thereof "203", "204", "205", "206", and "207", respectively;

(2) by inserting after the item relating to section 201 the following:

"Sec. 202. Private enterprise development.";

(3) in the item relating to section 203 (as so redesignated), by striking out "in Poland and Hungary";

(4) in the item relating to section 204 (as so redesignated), by striking out all that follows "training" and inserting in lieu thereof "and assistance.";

(5) in the item relating to section 205 (as so redesignated), by striking out "in Poland and Hungary";

(6) in the item relating to section 206 (as so redesignated), by striking out "Polish" and inserting in lieu thereof "local";

(7) in the item relating to section 207 (as so redesignated), by striking out "Polish and Hungarian"; and

(8) by adding at the end of the items relating to title II the following:

"Sec. 208. Assistance to state enterprises.".

SEC. 846. TRADE AND INVESTMENT.

(a) REPEAL OF EXECUTED AMENDMENTS AND OBSOLETE PROVISIONS.—Section 301, section 302 (22 U.S.C. 2199 note), section 305 (22 U.S.C. 2421 note), and section 307 are repealed. The repeal of those sections does not affect any amendment made by any such section.

(b) EXPORT-IMPORT BANK PROGRAMS.—Section 303 (22 U.S.C. 635 note) is amended—

(1) by redesignating that section as section 301;

(2) in the section heading, by striking out "FOR POLAND AND HUNGARY";

(3) in the heading for subsection (a), by striking out "TO POLAND AND HUNGARY"; and

(4) in subsection (a), by inserting after "thereof" the first place it appears ", by the Czech and Slovak Federal Republic or any agency or national thereof,".

(c) TRADE CREDIT INSURANCE PROGRAM FOR POLAND.—Section 304, and section 225 of the Foreign Assistance Act of 1961 (22 U.S.C. 2185), are repealed.

(d) BILATERAL INVESTMENT TREATIES.—Section 306 is amended—

(1) by redesignating that section as section 302;

(2) in the section heading, by striking out "WITH POLAND AND HUNGARY"; and

(3) by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries".

(e) CONFORMING AMENDMENTS TO TABLE OF CONTENTS.—The table of contents in section 1(b) is amended—

(1) by striking out the items relating to sections 301, 302, 304, 305, and 307;

(2) in the item relating to section 303, by striking "303" and inserting in lieu thereof "301" and by striking out "for Poland and Hungary"; and

(3) in the item relating to section 306, by striking out "306" and inserting in lieu thereof "302" and by striking out "with Poland and Hungary".

SEC. 847. EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES.

(a) EDUCATIONAL AND CULTURAL EXCHANGES AND SISTER INSTITUTIONS PROGRAMS.—Section 401 (22 U.S.C. 5441) is amended—

(1) in the section heading by striking out "with Poland and Hungary";

(2) in subsection (a)(1)—

(A) by striking out "SUPPORT FOR EXPANDED U.S. PARTICIPATION" in the paragraph heading and inserting in lieu thereof "FREEDOM INTERNATIONAL PROGRAM";

(B) by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries"; and

(C) by adding at the end the following: "United States Government support for such activities shall be known as the 'Freedom International Program'.";

(3) in subsection (a)(2), by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(4) in subsection (b), by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(5) in subsection (c), by striking out "Poland and the United States and in Hungary" and inserting in lieu thereof "eligible East European countries"; and

(6) in subsection (d), by striking out "and Polish organizations and between American and Hungarian organizations" and inserting in lieu thereof "organizations and organizations of eligible East European countries".

(b) SCHOLARSHIP PARTNERSHIP.—Section 402 (22 U.S.C. 5442) is amended—

(1) in the section heading, by striking out "POLAND-HUNGARY";

(2) in subsection (a), by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(3) in subsection (b)—

(A) by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries", and

(B) by striking out "in the United States";

(4) in subsection (c), by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(5) in subsection (g)—

(A) by striking out "Poland or Hungary, as the case may be" and inserting in lieu thereof "his or her country of nationality", and

(B) by striking out "in the United States";

(6) by striking out subsection (i) and by inserting in lieu thereof the following:

"(i) COMPETITIVE PROCEDURES.—In carrying this section, the Agency for International Development shall use competitive procedures to the maximum extent practicable in making grants to, and entering into contracts with, nongovernmental entities.";

(7) in subsection (j), by striking out "Poland and Hungary" and inserting in lieu thereof "an eligible East European country"; and

(8) by inserting at the end the following:

"(l) AMERICAN INSTITUTIONS ABROAD.—The Administrator of the Agency for International Development may use funds made available each fiscal year to carry out this section in order to provide scholarships to enable students from eligible East European countries to study at American institutions of higher education in Europe.".

(c) CONFORMING AMENDMENTS TO TABLE OF CONTENTS.—The table of contents in section 1(b) is amended—

(1) in the item relating to section 401, by striking out "with Poland and Hungary"; and

(2) in the item relating to section 402, by striking out "Poland-Hungary scholarship" and inserting in lieu thereof "Scholarship".

SEC. 848. OTHER ASSISTANCE PROGRAMS.

(a) SUPPORT FOR DEMOCRATIC INSTITUTIONS.—Section 501 (22 U.S.C. 5451) is amended—

(1) in the section heading, by striking out "IN POLAND AND HUNGARY";

(2) by striking out the text of subsection (a) and inserting in lieu thereof the following: "The President, acting through the Administrator of the Agency for International Development, is authorized to provide assistance in support of democratic institutions and activities in eligible East European countries."; and

(3) by adding at the end the following:

"(c) COMPETITIVE PROCEDURES.—In carrying this section, the Agency for International Development shall use competitive procedures to the maximum extent practicable in making grants to, and entering into contracts with, nongovernmental entities.".

(b) ENVIRONMENTAL INITIATIVES; ENVIRONMENTAL IMPACT OF PROGRAMS.—Section 502 (22 U.S.C. 5452) is amended—

(1) in the section heading, by striking out "INITIATIVES FOR POLAND AND HUNGARY" and inserting in lieu thereof "INITIATIVES; ENVIRONMENTAL IMPACT OF PROGRAMS";

(2) in subsection (a)—

(A) in the first sentence, by striking out "Poland and Hungary" and inserting in lieu thereof "Eastern and Central Europe"; and

(B) in the second sentence—

(i) by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries"; and

(ii) by striking out "and the restoration of the natural resource base on which a sustainable, healthy economy depends" and inserting in lieu thereof ", the restoration of the natural resource base, and the alleviation of health problems resulting from environmental degradation";

(3) in subsection (b), by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(4) in subsection (g)—

(A) by striking out "Hungary and Poland" and inserting in lieu thereof "East European countries"; and

(B) by striking out "Poland and Hungary" and inserting in lieu thereof "eligible East European countries";

(5) in subsection (h)—

(A) by striking out "IN HUNGARY" in the subsection heading; and

(B) by striking out "Government of Hungary" and inserting in lieu thereof "governments of eligible East European countries"; and

(6) by adding at the end the following new subsections:

"(i) AID AUTHORITY FOR ENVIRONMENT AND ENERGY ASSISTANCE.—The President, acting through the Administrator of the Agency for International Development and the Administrator of the Environmental Protection Agency, is authorized to provide assistance for environment and energy activities in eligible East European countries, with emphasis on assistance in developing policies encouraging and providing incentives for end-use energy efficiency (including preparation of least-cost energy plans), conservation, and reliance on renewable energy resources. Assistance under this subsection may include training, technical assistance for related energy and environmental investments or regulation, local production of environmental or energy-related equipment, promotion of United States technologies, and dealing with health problems directly associated with pollution.

"(j) COORDINATION OF ENVIRONMENTAL INITIATIVES.—The Administrator of the Environmental Protection Agency and the Administrator of the Agency for International Development shall jointly, and in cooperation, select the environmental initiatives and policies for carrying out subsections (b), (c), (d), and (i). Specific environmental programs or projects shall be evaluated and carried out by those agencies or departments of the United States which have traditional and recognized expertise in the program area, or by nongovernmental organizations, as appropriate to their respective expertise.

"(k) REGIONAL PROGRAM FOR ENVIRONMENTAL HEALTH ACTIVITIES IN THE CZECH AND SLOVAK FEDERAL REPUBLIC.—

"(1) ESTABLISHMENT.—The President shall work with officials of the Government of the Czech and Slovak Federal Republic to establish and support a regional program to study and facilitate cooperative activities to address the public health aspects of environmental degradation.

"(2) FUNDING.—Of the funds allocated to carry out subsection (i), not less than $1,000,000 for fiscal year 1992 shall be made available to carry out paragraph (1).

"(l) ASSESSMENT OF ENVIRONMENTAL IMPACT.—Assistance under this Act (other than

assistance provided through Enterprise Funds under section 201 or through enterprise funds or similar entities under section 202) shall be provided consistent with section 1241 of the Foreign Assistance Act of 1961.

"(m) AGRICULTURAL ASSISTANCE.—Activities carried out under section 204 (relating to technical training and assistance) or section 206 (relating to use of local currency generated by agricultural assistance) that are designed to increase agricultural production shall emphasize the principles of low-input sustainable agriculture and integrated pest management, including promotion of alternative production systems that minimize pesticide residues on food.".

(c) MEDICAL ASSISTANCE.—Section 503 (22 U.S.C. 5453) is amended—

(1) in the section heading, by striking out all that follows "MEDICAL" and inserting in lieu thereof "ASSISTANCE."; and

(2) by amending the text of subsection (a) to read as follows: "The President, acting through the Administrator of the Agency for International Development, is authorized to provide to eligible East European countries (1) medical training, (2) assistance with respect to health care planning and policy, and (3) other assistance to improve the quality of health care.".

(d) ASSISTANCE FOR HOUSING.—Title V is amended by adding at the end the following:

"SEC. 504. ASSISTANCE FOR HOUSING.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—The President, acting through the Administrator of the Agency for International Development, is authorized to provide technical assistance, and assistance to support the infrastructure, necessary to support a viable housing sector in eligible East European countries. Such assistance may be provided notwithstanding any other provision of law.

"(b) HOUSING INVESTMENT GUARANTY PROGRAM.—Guaranties may be issued under section 1501 of the Foreign Assistance Act of 1961 for projects in eligible East European countries notwithstanding any other provision of law which would prohibit assistance for projects in such countries.".

(e) CONFORMING AMENDMENTS TO TABLE OF CONTENTS.—The table of contents in section 1(b) is amended—

(1) in the item relating to section 501, by striking out "in Poland and Hungary";

(2) in the item relating to section 502, by striking out "initiatives for Poland and Hungary" and inserting in lieu thereof "initiatives; environmental impact of programs";

(3) by amending the item relating to section 503 to read as follows:

"Sec. 503. Medical assistance."; and

(4) by inserting after the item relating to section 503 the following:

"Sec. 504. Assistance for housing.".

SEC. 849. ADDITIONAL SEED PROGRAM ACTIONS.

(a) EASTERN EUROPEAN BUSINESS INFORMATION CENTER SYSTEM.—

(1) REDESIGNATION.—Section 602 (22 U.S.C. 5462) is amended—

(A) by striking out "SEED INFORMATION CENTER" in the section heading and inserting in lieu thereof "EASTERN EUROPEAN BUSINESS information center";

(B) in subsection (a)—

(i) by striking out "a SEED Information Center System" and inserting in lieu thereof "an Eastern European Business Information Center System"; and

(ii) by striking out "Government of Poland and the Government of Hungary" and inserting in lieu thereof "governments of eligible East European countries"; and

(C) in subsection (b), by striking out "SEED Information Center System" in paragraphs (1) and (2) and inserting in lieu thereof "Eastern European Business Information Center System".

(2) LOCATION.—Subsection (c) of section 602 is amended to read as follows:

"(c) LOCATION.—The Eastern European Business Information Center System may be based jointly in the Department of Commerce in the District of Columbia, and the capitals of eligible East European countries.".

(3) COMMUNICATIONS IN EASTERN EUROPE.—Section 602 is amended by adding at the end the following:

"(d) COMMUNICATIONS IN EASTERN EUROPE.—

"(1) FINDINGS.—The Congress finds that—

"(A) communications, information, and broadcasting are essential to advancing United States interests in promoting democracy and private enterprise in Eastern Europe; and

"(B) the need for coordination of public and private initiatives is particularly urgent in these areas.

"(2) SPECIAL INFORMATION ON BUSINESS OPPORTUNITIES.—Accordingly, the Eastern European Business Information Center System should develop special information on business opportunities in the communications, broadcasting, and information field for use by United States industry and the SEED Program coordinator.".

(b) ENCOURAGING VOLUNTARY ASSISTANCE.—Section 603 (22 U.S.C. 5463) is amended—

(1) in the section heading, by striking out "FOR POLAND AND HUNGARY";

(2) in subsection (a), by striking out "Poland and to refugees from Romania who are in Hungary" and inserting in lieu thereof "eligible East European countries"; and

(3) in subsection (b)—

(A) in the subsection heading, by striking out "TO POLAND";

(B) in paragraph (1), by striking out "Poland" and inserting in lieu thereof "eligible East European countries"; and

(C) in paragraph (3), by striking out "Poland" and inserting in lieu thereof "eligible East European countries".

(c) UNITED STATES REPRESENTATION IN EASTERN EUROPE.—Section 604 (22 U.S.C. 5464) is repealed.

(d) CONFORMING AMENDMENTS TO TABLE OF CONTENTS.—The table of contents in section 1(b) is amended—

(1) by amending the item relating to section 602 to read as follows:

"Sec. 602. Eastern European Business Information Center.";

(2) in the item relating to section 603, by striking out "for Poland and Hungary"; and

(3) by striking out the item relating to section 604.

SEC. 850. FUNDING OF SEED PROGRAM.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Title VIII (22 U.S.C. 5491–5495) is amended by adding at the end the following:

"SEC. 806. FUNDING OF SEED PROGRAM.

"(a) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the President under the heading 'AGENCY FOR INTERNATIONAL DEVELOPMENT' $388,500,000 for fiscal year 1992 and $388,500,000 for fiscal year 1993 to provide the assistance authorized by the provisions of this Act specified in subsection (e). Such amounts are in addition to any amounts made available under title I of the Foreign Assistance Act of 1961 to provide such assistance. Amounts authorized to be appropriated by this subsection are authorized to be made available until expended.

"(b) ALLOCATIONS.—Except as provided in subsections (c) and (d), funds appropriated pursuant the authorizations of appropriations in subsection (a) shall be allocated as follows:

"(1) $164,000,000 shall be allocated for use under sections 201 and 202 (relating to Enterprise Funds and private enterprise development).

"(2) $20,000,000 shall be allocated for use under section 501 (relating to support for democratic institutions).

"(3) $75,000,000 shall be allocated for use under subsection (i) of section 502 (relating to assistance for environment and energy activities).

"(4) $129,500,000 shall be allocated for use under—

"(A) subsection (c)(1) of section 102 (relating to stabilization assistance),

"(B) subsection (h) of section 203 (relating to labor market transition),

"(C) section 204 (relating to technical training and assistance),

"(D) section 402 (relating to scholarships),

"(E) section 503 (relating to medical assistance), and

"(F) subsection (a) of section 504 (relating to assistance for housing).

"(c) REDUCTION OF ALLOCATIONS IF APPROPRIATIONS ARE LESS THAN SUM OF SPECIFIED ALLOCATION AMOUNTS.—If the aggregate amount appropriated for fiscal year 1992 or fiscal year 1993 by the Foreign Operations, Export Financing, and Related Programs Appropriations Act for that fiscal year to carry out this Act is less than the amount authorized to be appropriated for that fiscal year by subsection (a), then the amount allocated pursuant to each paragraph of subsection (b) shall be the amount which bears the same ratio to the amount specified in that paragraph as the amount appropriated bears to the amount authorized to be appropriated.

"(d) REALLOCATIONS BETWEEN CATEGORIES OF ASSISTANCE.—Funds allocated pursuant to any paragraph of subsection (b) may be reallocated for use under any other such paragraph if, at least 15 days prior to such reallocation, the President notifies the appropriate congressional committees (as defined in section 7601(b)(2) of the Foreign Assistance Act of 1961) in accordance with the procedures applicable to reprogramming notifications under section 6304 of that Act.

"(e) DESIGNATED PROVISIONS.—The provisions referred to in subsection (a) are the following provisions of this Act:

"(1) Subsection (c)(1) of section 102 (relating to stabilization assistance).

"(2) Sections 201 and 202 (relating to Enterprise Funds and private enterprise development).

"(3) Subsection (h) of section 203 (relating to labor market transition).

"(4) Section 204 (relating to technical training and assistance.

"(5) Section 402 (relating to scholarship partnership).

"(6) Section 501 (relating to support for democratic institutions).

"(7) Subsection (i) of section 502 (relating to assistance for environment and energy activities).

"(8) Section 503 (relating to medical assistance).

"(9) Section 504(a) (relating to housing assistance).

"(f) AUTHORIZATIONS PROVIDED IN OTHER SECTIONS OF THIS ACT.—Authorizations of appropriations provided in other sections of this Act, other than section 403 (relating to science and technology exchange agreements), shall cease to be effective as of the date of enactment of this section.

"(g) RELATION TO OTHER LAWS.—Funds made available under this section may be

used to provided assistance under this Act notwithstanding any other provision of law.

"(h) FOREIGN ASSISTANCE ACT ADMINISTRATIVE AUTHORITIES.—Funds authorized to be appropriated by subsection (a) shall be considered to be funds made available to carry out title I of the Foreign Assistance Act of 1961 (relating to economic assistance programs). This subsection does not supersede any provision which authorizes assistance to be provided under this Act 'notwithstanding any other provision of law'.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 1(b) is amended by adding at the end the following:

"Sec. 806. Funding of SEED program.".

SEC. 851. CONFORMING AMENDMENTS TO LIST OF SEED ACTIONS.

Subsection (c) of section 3 (22 U.S.C. 5401), as so redesignated by section 842(a)(1) of this Act, is amended as follows:

(1) DEBT-FOR-EQUITY AND DEBT-FOR-DEVELOPMENT SWAPS.—In paragraph (3), by inserting before the period at the end of the paragraph ", and debt-for-equity and debt-for-development swaps".

(2) STABILIZATION ASSISTANCE.—By—

(A) redesignating paragraphs (4) through (25) as paragraphs (5) through (26), respectively, and

(B) inserting after paragraph (3) the following new paragraph (4):

"(4) STABILIZATION ASSISTANCE.—Balance of payments support and other assistance to stabilize a country's economy and promote longer-term economic growth and stability, based on movement toward free market principles.".

(3) ENTERPRISE FUNDS.—In paragraph (6), as so redesignated by paragraph (2) of this section, by striking out "so is designated" and inserting in lieu thereof "is so designated".

(4) PRIVATE ENTERPRISE DEVELOPMENT.—By—

(A) redesignating paragraphs (7) through (26), as so redesignated by paragraph (2) of this section, as paragraphs (8) through (27), respectively, and

(B) inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph (7):

"(7) PRIVATE ENTERPRISE DEVELOPMENT.—In order to support private enterprise development, assistance similar to that authorized to be provided by the Enterprise Funds and assistance to support United States participation in capital projects, both public infrastructure projects and private investment projects.".

(5) TECHNICAL TRAINING AND ASSISTANCE.—By amending paragraph (9), as so redesignated by the preceding paragraphs of this section, to read as follows:

"(9) TECHNICAL TRAINING AND ASSISTANCE.—Technical training and assistance to assist eligible East European countries as they develop a market economy and democratic institutions.".

(6) SCHOLARSHIPS.—Paragraph (22), as so redesignated by the preceding paragraphs of this section, is amended by inserting "and at American institutions of higher education abroad" after "States".

(7) MEDICAL ASSISTANCE.—Paragraph (26), as so redesignated by the preceding paragraphs of this section, is amended to read as follows:

"(26) MEDICAL ASSISTANCE.—Medical training and other assistance to improve the quality of health care.".

(8) ASSISTANCE FOR HOUSING.—By—

(A) redesignating paragraph (27), as so redesignated by the preceding paragraphs of this section, as paragraph (28), and

(B) inserting after paragraph (26), as so redesignated by the preceding paragraphs of this section, the following new paragraph (27):

"(27) ASSISTANCE FOR HOUSING.—Assistance to support a viable housing section.".

(9) EASTERN EUROPEAN BUSINESS INFORMATION CENTER SYSTEM.—Paragraph (28), as so redesignated by the preceding paragraphs of this section, is amended by striking out "a SEED Information Center" and inserting in lieu thereof "an Eastern European Business Information Center System".

CHAPTER 4—OTHER PROVISIONS RELATING TO EUROPE

SEC. 861. CONTRIBUTIONS TO ANGLO-IRISH INTERNATIONAL FUND.

(a) FUNDING.—Section 3 of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following:

"(c) FISCAL YEARS 1992 AND 1993.—Of the amounts made available to carry out chapter 3 of title I of the Foreign Assistance Act of 1961 (relating to economic support assistance), $20,000,000 for fiscal year 1992 and $20,000,000 for fiscal year 1993 shall be used for United States contributions to the International Fund.".

(b) ANNUAL REPORT AND CERTIFICATION.—The Anglo-Irish Agreement Support Act of 1986 is amended—

(1) by striking out section 5(c); and

(2) by amending section 6 to read as follows:

"SEC. 6. ANNUAL REPORTS.

"(a) REQUIREMENT FOR REPORTS.—At the end of each fiscal year in which the United States Government makes any contribution to the International Fund (but not later than December 31), the President shall report to the Congress on the degree to which—

"(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

"(2) United States contributions to the International Fund are meeting their objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity;

"(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland;

"(4) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

"(5) disbursements from the International Fund—

"(A) are distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

"(B) address the needs of both communities in Northern Ireland.

"(b) INDEPENDENT REVIEW OF THE FUND.—The reports submitted pursuant to subsection (a) shall discuss the results of any independent reviews that have been conducted of the programs and projects supported by the International Fund, with particular regard to the achievement of the objectives specified in paragraphs (1) through (5) of subsection (a).".

SEC. 862. TECHNICAL ASSISTANCE FOR BALTIC STATES AND FOR DEMOCRATIC GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS IN THE SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available for economic support assistance, not less than $15,000,000 for fiscal year 1992 and not less than $15,000,000 for fiscal year 1993 shall be available only for assistance in accordance with this section.

(b) ALLOCATIONS OF ASSISTANCE.—Of the amounts made available each fiscal year pursuant to subsection (a)—

(1) half shall be allocated for assistance to Baltic states of Estonia, Latvia, and Lithuania; and

(2) half shall be allocated for assistance to eligible recipients in the Soviet Union that request technical assistance from the United States.

(c) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available pursuant to this section shall be used to provide technical assistance to the Baltic states and eligible recipients in the Soviet Union in support of democratic reforms or market-oriented reforms.

(d) WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.—Assistance may be provided pursuant to this section to any Baltic state or eligible recipient in the Soviet Union notwithstanding any provision of law that would otherwise prohibit such assistance.

(e) ASSISTANCE MUST BE PROVIDED DIRECTLY OR THROUGH NGOs.—Assistance pursuant to this section—

(1) for a Baltic state, may only be provided directly to the government of that state or through nongovernmental organizations; and

(2) for a government of a Soviet republic or a local government described in subsection (f)(1), may only be provided directly to that government or through nongovernmental organizations.

(f) ELIGIBLE RECIPIENTS IN THE SOVIET UNION.—As used in this section, the term "eligible recipient in the Soviet Union" means—

(1) the government of any republic, and any local government, within the Union of Soviet Socialist Republics that was elected through open, free, and fair elections, and

(2) any indigenous nongovernmental organization in the Soviet Union that promotes democratic reforms and market-oriented reforms.

SEC. 863. ASSISTANCE FOR THE REPUBLIC OF ARMENIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for international disaster assistance, there are authorized to be appropriated for such assistance $5,000,000 for fiscal year 1992 and $5,000,000 for fiscal year 1993 for use in accordance with this section.

(b) USES OF ASSISTANCE.—Amounts made available pursuant to subsection (a) shall be used for humanitarian assistance, transportation of materials provided for such assistance, medical treatment, education and vocational training, and the construction of housing for the victims of the Armenian earthquake of December 7, 1988.

(c) USE OF UNITED STATES NGOs.—Assistance pursuant to this section shall be channeled through United States private voluntary organizations and other United States nongovernmental organizations.

SEC. 864. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING PROGRAM.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there are authorized to be appropriated $5,000,000 for fiscal year 1992 and $5,000,000 for fiscal year 1993 to carry out the Soviet-Eastern European Research and Training Act of 1983.

(b) ANNUAL REPORTS.—Section 807 of the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4506) is amended to read as follows:

"ANNUAL REPORTS

"SEC. 807. At the end of each fiscal year, the Secretary of State shall prepare and sub-

mit to the Congress a report on the implementation of this title during that fiscal year. This report shall include—

"(1) an analysis of the extent to which the payments made pursuant to this title were successful in supporting the functions referred to in section 802(3);

"(2) a financial statement showing how the funds paid to each institution pursuant to this title were used, with a summary of the results of any audit conducted by the United States Government with respect to those funds;

"(3) a listing of all institutions receiving payments under this title whose administrative expenses that were covered by such payments represented more than 10 percent of the amount of those payments, with an explanation for each such institution of why its administrative expenses exceeded 10 percent of the amount of those payments; and

"(4) such recommendations as the Advisory Committee deems advisable.".

SEC. 865. UNITED STATES POLICY TOWARD YUGOSLAVIA.

It is the sense of the Congress that—

(1) the United States supports the territorial integrity of Yugoslavia as a common state of constituent republics;

(2) the United States recognizes the Federal Government as the legitimate government of Yugoslavia;

(3) the people of Yugoslavia should resolve questions about the future composition of Yugoslavia through reform, democracy, and negotiation, and not by the use of force by any republic, by the Federal Government, or by any opposition group;

(4) all ethnic groups, all republics, and all opposition parties should be included in discussions and decisions regarding the future composition of Yugoslavia;

(5) the Federal Government of Yugoslavia and the governments of all republics should tolerate the rights of their people to engage in open dialogue about the future composition of Yugoslavia;

(6) the Federal Government of Yugoslavia and the governments of all the republics should progress in the transition from communism to the adoption of democratic principles and a free market economy;

(7) democratic principles and a free-market economy in Yugoslavia should be supported;

(8) the recent use of force in Yugoslavia should be condemned;

(9) the Federal Government of Yugoslavia and the governments of all the republics should refrain from the use of force in resolving interethnic disputes;

(10) the republics of Yugoslavia should preserve the political and social rights, as well as the linguistic and cultural autonomy, of all minority populations living within their borders; and

(11) the President should announce that the United States will oppose any unjustified use of force and any abuse of human rights in Yugoslavia.

SEC. 866. SITUATION IN KOSOVO PROVINCE OF YUGOSLAVIA.

It is the sense of the Congress that—

(1) ethnic Albanians living in the Republic of Serbia and in other parts of Yugoslavia should not be discriminated against because of their ethnicity;

(2) the people of Kosovo province, including ethnic Albanians, should retain their autonomous status in Yugoslavia, respecting the rights of all peoples and treating them equally under the law;

(3) the people of Kosovo province should be allowed to hold free and fair elections for the Assembly of Kosovo province, which should be allowed to function as a representative institution reflecting the will of the people; and

(4) Albanian leaders in Kosovo province and other Yugoslav and Serbian leaders should resolve their differences through negotiations and should not, under any circumstances, resort to violence or repression.

SEC. 867. POLICY STATEMENT REGARDING THE IMPORTATION OF SPORTING AND HUNTING RIFLES AND SHOTGUNS FROM CERTAIN EAST EUROPEAN COUNTRIES.

It is the sense of the Congress that the regulations issued pursuant to section 38 of the Defense Trade and Export Control Act (part 47 of title 27 of the Code of Federal Regulations) should be amended to allow the importation into the United States of sporting and hunting rifles and shotguns manufactured in Poland, Hungary, or the Czech and Slovak Federal Republic.

SEC. 868. SOVIET AID TO CUBA.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union has ended its economic subsidies to many nations which were formerly ruled by oppressive communist regimes;

(2) Fidel Castro's regime in Cuba continues to ignore internationally accepted standards of human rights;

(3) the Cuban centrally planned economic system would have collapsed long ago without outside assistance from the Soviet Union;

(4) Castro continues to deny Cuban citizens their right to a democratic government;

(5) a cutoff of Soviet assistance to Cuba would be consistent with American policy with respect to Cuba; and

(6) a cutoff of Soviet assistance to Cuba would be consistent with a spirit of cooperation between the United States and the Soviet Union.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) President Bush should place Soviet cessation of aid to Cuba high on his list of objectives for the upcoming United States-Soviet summit meeting;

(2) a Soviet cutoff of aid to Cuba should remain a high priority in United States-Soviet relations until the Soviet Union ends its economic and military support to the repressive Castro regime; and

(3) a democratically-elected government in Cuba should remain a significant goal of American foreign policy.

AMENDMENT OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD?

Mr. TORRICELLI. The amendment is printed in the RECORD, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TORRICELLI: Page 566, strike out line 18 and all that follows through line 14 on page 568 (section 817) and insert in lieu thereof the following:

SEC. 817. DEMOCRATIC REFORM AND HUMAN RIGHTS IN KUWAIT.

(a) FINDING.—The Congress finds that—

(1) because the United States and its allies committed their armed forces and resources to the liberation of Kuwait, the United States and its allies have a special interest and responsibility with respect to the future of Kuwait; and

(2) it is United States policy to promote respect for internationally recognized human rights and the development of democratic institutions in Kuwait and around the world.

(b) REPORT.—Not later than sixty days after enactment, the President shall report to the appropriate congressional committees whether the Government of Kuwait—

(1) has put an end to the occurrences of arbitrary arrest, torture and other extrajudicial actions;

(2) has taken significant steps to bring to justice to those responsible for perpetrating such abuses;

(3) has ensured that those detained have access to legal counsel, the right to an open and speedy trial, and other internationally recognized standards of due process of law;

(4) is taking firm steps to terminate martial law and to restore full constitutional processes;

(5) has continued to allow the presence and activities of international human rights and humanitarian organizational human rights and humanitarian organizations; and

(6) remains committed to the October 1992 date established for parliamentary elections, is taking the necessary steps to establish conditions to ensure that such elections are free and fair, and is permitting universal suffrage.

(c) The President and the Congress shall take into account progress on the abovementioned factors when determining United State policies toward Kuwait, including policies regarding the sale of defense articles and defense services.

Mr. TORRICELLI (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 New Jersey?

There was no objection.

Mr. TORRICELLI. Mr. Chairman, my amendment offers a simple statement of policy, that with the war in the Persian Gulf having concluded, we, as part of a grand and successful alliance, have certain expectations for the region. We recognize the sovereignty of the nations involved. We are understanding of their suffering, but nevertheless, we have a right, as the nations reconstruct themselves, to see those nations share a common vision.

That vision is that democratic principles be recognized and underscored, sovereignty be respected, but at the same time universal suffrage be provided, and that while those are brought to justice who have caused crimes during this war, that due process be recognized.

Mr. Chairman, during the deliberations of the committee, those objectives were recognized and discussed. But in my judgment, we may not have been properly sensitive at the same time to the suffering of the Kuwaiti people. This is not to say that people who committed crimes should not pay for those crimes. It is that they should be afforded some due process, but at the same time, now that we understand that people of Kuwait suffered terribly, that people did collaborate with the enemy, that crimes were committed against the Kuwaiti people, and that those who were responsible should be

brought to justice, they should have counsel, evidence should be provided. All of the internationally recognized rights to due process should be afforded.

Nevertheless, people should be held accountable. While the democratic process should be restored in Kuwait, it should be done while order is restored in Kuwait. It should be done not on any foreign model but on a democratic model consistently with the values of the Kuwaiti people, as they restore order as they see fit.

All that is being suggested here today, Mr. Chairman, is simply a balanced approach, a balance between their sovereignty and international objectives, a balance between justice of those who have violated the law in Kuwait and international systems of due process.

I think, Mr. Chairman, that my amendment affords us that balance. It has been discussed with the minority. It has been discussed with the administration. I think it offends no one and at the same time is consistent with our own national values.

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

Mr. TORRICELLI. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I have no objection to the amendment, but I think it ought to be made clear that our Government and our private sector are sending tens of millions, hundreds of millions of dollars to rebuild this country. And we expect the Government of Kuwait to honor basic human rights. Otherwise, they cannot and should not have the great benefit of American tax dollars as well as the benefit of American corporations.

I hope the gentleman's amendment also includes under its basic premise that we are watching that Government. Because if it does not engage that basic human rights order in accordance with what is acceptable to this country, then all the benefits from the U.S. Treasury as well as from the U.S. companies that are going over there to rebuild that country could be stopped.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Torricelli amendment on democratic reform and human rights in Kuwait. I believe that it is the right mix of strongly expressing the serious concerns of Congress about the current political situation in Kuwait and still maintaining influence and the ability to positively promote real democratic reforms.

Many sacrifices were made by brave American service men and women in liberating Kuwait from the terror of Saddam Hussein's brutal occupation. In return, we expect Kuwait to follow the path of peace, human rights, and democratic reform. The Kuwaiti people themselves witnessed the horrors of a repressive, totalitarian system. Based on the experience of the Iraqi occupation, Kuwait should agree that sham trials, instant deportations, extrajudicial actions, and restrictions on the media and free speech are unacceptable.

Having personally spent some time in Kuwait shortly after its liberation, I know that the situation there is a bit chaotic. While we are correctly outraged by recent reports of vigilantism and questionable trials, such incidents are understandable—not condonable—but understandable following the Iraqi occupation. We should not forget that human rights conditions in Paris, following its liberation from the Nazis in 1945 were worse. There were collaborators in Kuwait and many whose families were butchered, perhaps due to actions of collaborators, are demanding swift justice. I would point out that while the media has focused on a few celebrated cases of judicial abuse, the Kuwaiti courts have dismissed or acquitted over 300 cases.

The Torricelli resolution condemns these incidents in Kuwait and requires the President to report to Congress on them. Further, it makes progress on human rights and democratic reforms a significant factor in determining our policy toward Kuwait, including policies regarding the sale of defense articles and defense services. However, unlike the bill language, the Torricelli amendment does not use a hammer to smash a mosquito. It is a balanced approach.

I recently led a mission of the National Republican Institute for International Affairs to Kuwait focused on assisting real democratic reform in Kuwait. While the Emir has finally announced elections for October 1992, that is not the end of the line. We must insist that these elections be free and fair. Opposition movements must be allowed to disseminate their ideas and platforms freely. The media must be unrestricted and accessible to all. These are benchmarks we will use in judging the progress of reform in Kuwait.

However, I also must caution Congress not to put the cart before the horse. In the compromise Torricelli amendment we require the President to report on whether or not the Government of Kuwait, "is permitting universal suffrage." In accordance with the Kuwaiti Constitution of 1962, a constitution that almost every Kuwaiti, including outspoken leaders of the opposition, strongly support, it is the defined role of Kuwait's Parliament to amend laws, including the election law that defines who can vote. During a recent conference the Republican Institute held here in Washington, leaders of the Kuwaiti opposition, including those women resistance fighters, agreed that the new Parliament may be elected by the presently select group of voters because that is the law of the land. One of the first tasks of this new Parliament would be to expand the suffrage to include all Kuwaiti citizens, including women and naturalized citizens. In other words, they want to do everything in strict accordance with the constitution.

I think this is remarkable. The Kuwaiti people are not demanding violent revolution. They want strict adherence to the rule of law and their constitution, even if that means a possibly awkward transition. It is not the place for the United States Congress to go against this plan backed by the vast majority of Kuwaitis.

Further, to circumvent the constitutional process undercuts some of the foundations of democratic reform in Kuwait. Along with the opposition in Kuwait, we should want the Parliament, not the Emir by himself, legislating. The Congress pressuring the Emir to change laws without the use of Parliament only weakens the power and role of Parliament.

Therefore, I believe we should make it clear that the intent of Congress is for democratic reform to advance in accordance with the 1962 Kuwaiti Constitution. That includes changing the enfranchisement laws.

During the conference in Jeddah, Saudi Arabia, in October 1990, the ruling al-Sabahs promised improved human rights and real democratic reform in a then only hoped for liberated Kuwait of the future. While we led Operation Desert Shield/Desert Storm and the United Nations passed its resolutions for many important and meaningful reasons, these promises were part of the equation. The future is now here. Kuwait has been liberated. Now is the time to implement the promised reforms as expeditiously as possible.

Kuwait can become a positive role model for other nations in the Middle East proving that political reform can come through peaceful, stable evolution rather than violent revolution. While the process has been slower than hoped and while expectations may have been higher than realities on the ground could deliver, I believe that measures like the compromise Torricelli amendment can help push the reform process along in a positive, constructive way.

I support the amendment and urge my colleagues to do the same.

AMENDMENT OFFERED BY MR. HAMILTION TO THE AMENDMENT OFFERED BY MR. TORRICELLI

Mr. HAMILTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON to the amendment offered by Mr. TORRICELLI: Strike out all of the Torricelli amendment that follows "SEC. 817." and insert in lieu thereof the following:

DEMOCRATIC REFORM AND HUMAN RIGHTS ON KUWAIT

(a) FINDINGS.—The Congress finds that—

(1) because the United States and its allies committed their armed forces and resources to the liberation of Kuwait, the United States and its allies have a special interest and responsibility with respect to the future of Kuwait; and

(2) it is United States policy to promote respect for internationally recognized human rights and the development of democratic institutions in Kuwait and around the world.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall report to the appropriate congressional committees whether the Government of Kuwait—

(1) has put an end to the occurrences of arbitrary arrest, torture, and other extrajudicial actions;

(2) has taken significant steps to bring to justice those responsible for perpetrating such actions;

(3) has ensured that those detained have access to legal counsel, the right to an open and speedy trial, and other internationally recognized standards of due process of law;

(4) has lifted martial law and restored full constitutional processes;

(5) has continued to allow the presence and activities of international human rights and humanitarian organizations;

(6) has complied with international law relating to deportations; and

(7) remains committed to the October 1992 date established for parliamentary elections,

is taking the necessary steps to establish conditions to ensure that such elections are free and fair, and is permitting universal suffrage.

(c) UNITED STATES POLICIES TOWARD KUWAIT.—Respect for internationally recognized human rights by the Government of Kuwait and the development of democratic institutions in Kuwait, including progress on the factors listed in paragraphs (1) through (7) of subsection (b), shall be a significant factor in the determination of United States policies toward Kuwait, including policies regarding the sale of defense articles and defense services.

□ 1150

Mr. HAMILTON (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 Indiana?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from Indiana [Mr. HAMILTON] rise in opposition to the original amendment?

Mr. HAMILTON. Mr. Chairman, yes, I do.

The CHAIRMAN pro tempore. The gentleman from Indiana [Mr. HAMILTON] is recognized for 5 minutes.

Mr. HAMILTON. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. TORRICELLI].

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

I want to suggest to the membership that, indeed, the amendment that the distinguished subcommittee chairman offers, the gentleman from Indiana [Mr. HAMILTON], improves upon, although it was offered in opposition to, improves upon what was originally offered, and I think strikes the right balance between our allies in this conflict and our own national objectives for the restoration of democracy, the recognition of due process and human rights, and I think it is a real contribution.

Members of the House can be proud of it, and at this difficult moment for the people of Kuwait, can feel that we have done justice to ourselves in not offending them in a difficult moment but are being consistent with ourselves.

I thank the gentleman and congratulate him on his amendment.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from New Jersey, and I applaud him for the initiative he has taken in sending this important signal to Kuwait.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER], who was a chief sponsor of amendments on this same subject.

Mr. KOSTMAYER. Mr. Chairman, what is happening here is that I offered an amendment in the Committee on Foreign Affairs which was adopted by the committee. What it said was that we are not going to sell any more arms to Kuwait—and we have sold billions of dollars worth of arms to Kuwait—until they deal with these human rights abuses which we have been reading about in the newspapers and seeing on television every night.

The leadership of the committee and the gentleman from New Jersey [Mr. TORRICELLI] have asked me to moderate the amendment, and I have agreed to do so, and it is the substitute which the gentleman from Indiana [Mr. HAMILTON] and the gentleman from New Jersey [Mr. TORRICELLI] are offering which is the modified version of the amendment I offered.

I am bound by my agreement with the gentleman from New Jersey [Mr. TORRICELLI] to support this amendment, and I will, but I am not bound by my agreement in saying how distressed I am about what has been happening in Kuwait.

The gentleman from New Jersey [Mr. TORRICELLI] says that this amendment offends no one. He is right. It does not offend anybody. But the American people are offended by what is happening in Kuwait. We are offended that people are going to prison for 15 years for wearing a T-shirt with Saddam Hussein's picture on it. We are offended that mass graves are being uncovered, and that we think at least now, and we do not know for sure, that the people buried in those mass graves were killed after the liberation, not by Iraqis, but by the Kuwait Army which we supported.

Mr. Chairman, we are offended in this country at what we see happening in Kuwait, as I think we ought to be, and the gentleman from New Jersey is precisely correct when he says this amendment offends no one.

The Emir of Kuwait offends me. I find the Emir and his government offensive.

What this amendment does is send that message in a weakened form, and it outlines, Mr. Chairman, six or seven specific areas which we want the President and the administration to discuss with the Government of Kuwait and then report back to us in 60 days. It removes the arms-sale prohibition, regrettably, but I am bound by the amendment, and I am going to support it.

But it does require the President to report back to us in 60 days, and in 60 days, Mr. Chairman, I am going to be here on the floor with a copy of that report, and if I and others are not satisfied with it, we will raise this issue again.

Mr. HAMILTON. Mr. Chairman, I yield to the distinguished gentleman from Michigan [Mr. BROOMFIELD], the ranking member.

Mr. BROOMFIELD. Mr. Chairman, I speak in support of the Torricelli amendment.

When United States and allied forces vanquished the legions of Saddam Hussein and liberated Kuwait, I and millions of other Americans exulted that the Iraqi reign of terror was finally over. In the wake of liberation, we envisioned a Kuwait where respect for democratic principles, human rights, and the rule of law would form the foundation of a new system of governance.

Today, I am increasingly concerned about the Kuwaiti Government's commitment to promote these values.

The Torricelli amendment is the appropriate manner in which to express our concern about developments in Kuwait. Unlike the inflammatory rhetoric contained in the bill, the Torricelli amendment plainly states that the United States has a responsibility regarding the future of Kuwait. It also affirms that it is United States policy to promote respect in Kuwait for internationally recognized human rights and for the development of democratic institutions.

To underscore our concern over the situation in Kuwait, the Torricelli amendment requires a Presidential report on steps taken by the Kuwaiti Government to end reported abuses and institute needed political reforms. It also calls for the United States to take into account progress on these matters in formulating policy toward Kuwait.

In conclusion, I believe that the Torricelli amendment represents a more balanced and constructive way to address these difficult issues, and I urge its adoption.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] to the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Are there other amendments to title VIII?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD.

Mr. BURTON of Indiana. Mr. Chairman, yes, it is.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 568, after line 14, insert the following:

SEC. 818. JORDAN.

The Congress is extremely distressed at Jordan's behavior and attitude during Operation Desert Storm. Assistance may not be provided to Jordan for fiscal year 1992 under the Foreign Assistance Act of 1961.

Mr. BURTON of Indiana. Mr. Chairman, it is pretty obvious what this amendment is all about. The country

of Jordan, before and during the war in the Middle East, was very supportive of Iraq and Iraq's position. King Hussein said, on a number of American television shows, that he thought America was in error, and he showed unequivocal support for Saddam Hussein, in my opinion, and because of that, Mr. Chairman, I do not believe the United States of America should in any way support that country until we know there has been a manifest change in their attitude and behavior.

Mr. Chairman, we had 550,000 young Americans at risk, in harm's way, in the Middle East, and King Hussein was on television giving aid and comfort to the enemy, in my opinion.

For that reason, I do not think this Congress should give one dime to that country until we know there has been a change, a real change, in attitude.

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

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

Mr. Chairman, the amendment offered by my friend, the gentleman from Indiana, cuts off all assistance to Jordan. I think that would be a very bad mistake at this time.

The problem with the amendment is that it looks to the past instead of to the future. We certainly have reason to be disappointed with the position that Jordan took during the gulf crisis and with respect to Saddam Hussein, but this amendment throws the baby out with the bathwater.

We should focus on the possibilities for the future, and the point is that the King and Jordan could become, may very well become, an important actor in the peace process.

The timing of this amendment is most unfortunate. It comes exactly at the time that the Secretary of State is extending extraordinary efforts to try to find a basis for restarting the Middle East peace process, and Jordan is clearly one of the keys, if not the key, to that effort.

This amendment comes along and puts another huge obstacle in the front of the Secretary of State. He needs the flexibility to deal with this problem, and we ought not to put that obstacle in front of him.

The United States is trying to rebuild the relationship with Jordan, a relationship which in the past has been very good, which was damaged during the war, and now we seek to rebuild it. The President has said that we ought not to try to act with vengeance, but that we ought to try to build a peace in that region, and he is exactly right about that.

□ 1250

The other thing to note, and Members can see it in the morning newspaper is that Jordan is now coming our way through the appointments that the Congress is making in the Cabinet, the King has publicly and repeatedly expressed support for the U.S. peace efforts. He has repeatedly expressed support of face-to-face contacts.

I think we ought to encourage Jordan in those directions and not to discourage them. For those reasons, Mr. Chairman, I strongly suggest that the amendment of the gentleman from Indiana be defeated. Rigid legislation prohibiting or restricting aid to Jordan takes away a central tool that we have to respond to the improved Jordanian behavior. I think it would be a mistake. I urge the defeat of the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Indiana, having proferred for the RECORD an amendment for myself for 2 years, this amendment is for 1 year.

However, I think it is unbelievable that at this time, after we have won the war in Desert Storm, that we as a nation would take our taxpayers' dollars and offer to send military assistance, military assistance to King Hussein in Jordan, who expressed his support not only by voice, but also militarily by providing assistance to Iraq to the war of Desert Storm.

I think it is absolutely asinine that we at this time should even think that we are to provide military assistance. That is what we are talking about, military assistance. We are not talking about humanitarian aid. We are not talking about medical supplies. We are talking about planes and tanks and guns and everything else.

This is a country that supported Saddam Hussein. I think we should support this amendment and deny to Jordan any funds of the taxpayers for military assistance.

Mr. HAMILTON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I entirely sympathize with the gentleman from Indiana [Mr. BURTON] and the gentleman from Missouri [Mr. VOLKMER]. I think that Jordan's posture in the Desert Storm situation was deplorable, and anything but helpful.

However, I much prefer the amendment of the gentleman from California [Mr. CUNNINGHAM] which I trust will be offered soon, which imposes sanctions and cutoffs on Jordan, but provides for a Presidential waiver. There is no flexibility in the amendment of the gentleman from Indiana [Mr. BURTON]. There is some Presidential flexibility in the amendment of the gentleman from California [Mr. CUNNINGHAM].

The bottom line, the end game on Jordan is, Can Jordan help reach peace between Israel and the Palestinians? All our troubles, all the world's troubles in the Middle East can be focused on the Israeli-Palestinian conflict. Jordan can play a critical role in helping to achieve peace. While Jordan deserves sharp criticism, the end game of peaceful settlement is so much more important.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, a slap on the wrist is not enough. The peace process in the Middle East has been going on throughout my entire lifetime and throughout my entire tenure in the Congress of the United States. Giving more aid to Jordan right now is not going to enhance that peace process.

Lest we forget what just happened, it is not the distant past, just a few short weeks ago, King Hussein of Jordan was giving aid and comfort to Saddam Hussein of Iraq, our adversary, who was trying to kill American young men and women. Trying to kill them, and over 200 young men and women died. Have we forgotten that?

Technology was being transferred to Jordan, other assistance was being given, which I cannot go into because of security, information we got from our intelligence sources, but the fact of the matter is he was working with Saddam Hussein. Why should we give millions of dollars of American taxpayers' dollars to this man who not only opposed the United States, but aided and abetted and gave comfort to our enemy at a time when 550,000 young American lives were at risk. No matter what anyone says, we cannot cut through that.

The fact of the matter is, he is not entitled to our support. If we wanted to send one single thing out of this body today, it ought to be that we reward our friends and give it to our enemies. If they are going to try to kill American young men and women or aid and abet that effort, by golly, they are not entitled to anything we have in this Chamber or in this country.

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

Mr. BURTON of Indiana. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, remember that this is only military assistance. We are talking about giving him guns, planes, tanks and everything else. That is crazy. It does not make sense. The gentleman is absolutely right.

Mr. BURTON of Indiana. I understand it applies to military, but if I had my way, we could cut it all off.

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

Mr. BURTON of Indiana. I yield to the gentleman from Indiana.

Mr. HAMILTON. The gentleman said that aid was going forward to Jordan. That is not correct. The President has suspended aid at this time, and I think that is the appropriate action for him to take.

Mr. BURTON of Indiana. Reclaiming my time, the fact of the matter is if we

go to the other amendment, the President will still have the latitude to give that aid to Jordan, and they are not entitled to it.

AMENDMENT OFFERED BY MR. CUNNINGHAM TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Is the amendment to the Burton amendment?

Mr. CUNNINGHAM. Yes, Mr. Chairman.

Mr. VOLKMER. Mr. Chairman, reserving a point of order, I have not seen the amendment.

The CHAIRMAN pro tempore. The gentleman has two amendments at the desk. Could the gentleman clarify which amendment it is he wishes to have considered?

Mr. CUNNINGHAM. Mr. Chairman, it is the amendment that contains the national interest waiver.

The CHAIRMAN. Is the gentleman offering this as a substitute for the Burton amendment?

Mr. VOLKMER. Mr. Chairman, I reserve a point of order if he does.

Mr. CUNNINGHAM. Mr. Chairman, I offer it as an amendment.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. VOLKMER] is reserving his point of order.

Is the gentleman offering this as a substitute to the amendment?

Mr. CUNNINGHAM. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the substitute.

Mr. VOLKMER. Mr. Chairman, I raise a point of order against the amendment. It is not germane.

Mr. CUNNINGHAM. Mr. Chairman, this is a perfecting amendment.

The CHAIRMAN pro tempore. The gentleman is going to have to draft it as a perfecting amendment in that case.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

Mr. VOLKMER. Mr. Chairman, I ask for a ruling on the point of order.

Mr. BURTON of Indiana. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Mr. Chairman, as I understand it, the amendments have to be printed in the RECORD, and we are suggesting to the gentleman he has to perfect his amendment, which means a change. It therefore has not been printed in the RECORD. I make a point of order it is not in order.

The CHAIRMAN pro tempore. An amendment to a pending amendment does not have to be printed in the RECORD. It has to be properly drafted, but it can be offered after a printed first-degree amendment has been offered before the body; a second-degree amendment can be offered, but has to be properly drafted.

Mr. VOLKMER. Mr. Chairman, has the Chair ruled on the proposed amendment?

The CHAIRMAN pro tempore. The Chair has ruled that the amendment has to be properly drafted.

The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. CUNNINGHAM to the amendment offered by Mr. BURTON of Indiana: Strike out all after "SEC. 818." and insert:

PROHIBITION ON ASSISTANCE FOR JORDAN.

Assistance may not be provided for Jordan for fiscal year 1992 under the Foreign Assistance Act of 1961, unless the President certifies that such assistance is in the national interest of the United States.

The CHAIRMAN pro tempore. There is no debate time on this amendment to the amendment. There is 1 minute remaining on each side on the underlying Burton amendment.

□ 1210

AMENDMENT OFFERED BY MR. VOLKMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

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

The Clerk read as follows:

Amendment offered by Mr. VOLKMER as a substitute for the amendment offered by Mr. BURTON of Indiana: In lieu of the matter proposed to be inserted, insert the following:

SEC. 818. PROHIBITION ON CERTAIN ASSISTANCE FOR JORDAN.

Foreign military financing assistance may not be provided for Jordan for fiscal year 1992 or 1993 under the Foreign Assistance Act of 1961.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Since the amendment was not printed as a substitute, it is not debatable. It may be considered, but it cannot be debated.

There is still 1 minute left on the underlying amendment on each side.

PARLIAMENTARY INQUIRIES

Mr. FASCELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FASCELL. Mr. Chairman, I could walk up and do this silently, but I would rather do it in the open, Mr. Chairman, so I can find out what the parliamentary situation is.

As I understand it right now, and the Chair can correct me if it so wishes and if I am wrong, we have a basic amendment and two pending amendments to the basic amendment.

I object to that, if that is the situation. Let us take them one at a time.

Will the Chair respond to my parliamentary inquiry?

The CHAIRMAN pro tempore. The Chair will first explain the parliamentary situation.

The first vote will be on the Cunningham amendment to the Burton of Indiana amendment.

The second vote will be on the Volkmer substitute for the Burton amendment, and the third vote will be on the Burton amendment, as amended or not.

Mr. CUNNINGHAM. Mr. Chairman, it was not my intent to not allow the gentleman from Indiana [Mr. BURTON] a vote on his amendment. I offered it at an improper time.

Mr. Chairman, I ask unanimous consent to withdraw my amendment and resubmit it after the vote on the amendment of the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. HAMILTON. Mr. Chairman, reserving the right to object, I just want to try to clarify the situation, if I may.

Will the Chair state for us now where these several amendments stand and the order in which they will be voted on?

The CHAIRMAN pro tempore. The first vote will be on the Cunningham amendment to the Burton amendment.

The second vote will be on the Volkmer substitute for the Burton amendment, and the third vote will be on the Burton amendment, as amended or not.

The Chair now has a unanimous-consent request to withdraw the Cunningham amendment to the Burton amendment.

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

Mr. VOLKMER. Reserving the right to object, Mr. Chairman, I do not plan to object at all, but I just want to let the gentleman from Indiana know that if the gentleman from California is permitted to withdraw his amendment to the Burton amendment, I will be more than happy to ask unanimous consent to withdraw my amendment. That will put us right back to the Burton amendment and we will have one vote, and that is it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California [Mr. CUNNINGHAM] to withdraw his amendment?

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BERMAN. Mr. Chairman, if the gentleman from California withdraws his amendment, is he then permitted to introduce that as a separate amendment after the Burton amendment has passed?

The CHAIRMAN. If the amendment is properly printed in the RECORD, it can be offered at any time under title VIII since it is not identical to the Burton amendment.

Mr. BERMAN. Mr. Chairman, has the gentleman's amendment been printed in the RECORD?

The CHAIRMAN. Yes; the gentleman's amendment is printed in the RECORD.

Mr. BERMAN. Was it the gentleman's intent to offer that amendment if the Burton amendment passes?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, if the Burton amendment goes down, then I will offer my amendment.

Mr. BERMAN. What if the Burton amendment passes. Will the gentleman offer his amendment?

Mr. CUNNINGHAM. No.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California [Mr. CUNNINGHAM] to withdraw his amendment?

Mr. HAMILTON. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

There is 1 minute left on the Burton amendment on both sides.

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Indiana [Mr. BURTON] and in opposition to the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

Jordan deserves not to be criticized, but condemned.

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I rise in strong support of the Burton amendment and echo the sentiments of my good friend, the gentleman from Oklahoma.

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the Burton amendment, which is similar to one that I had also offered, and in opposition to the Cunningham amendment.

Mr. BURTON of Indiana. Mr. Chairman, we are running out of time, but let me just say this has muddied up the water.

The fact of the matter is my amendment is to cut off aid to Jordan for their unspeakable behavior prior to and during the war that endangered 550,000 young American lives. These perfecting amendments or substitutes muddy up the water. Please vote against these two substitutes and vote for the Burton amendment if you really care about sending a message to our adversaries and those who throw mud in the face of Americans overseas.

PARLIAMENTARY INQUIRIES

Mr. SMITH of Florida. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Florida. Mr. Chairman, am I correct that after this vote, there will be a vote on the Volkmer substitute?

The CHAIRMAN pro tempore. The vote on the Volkmer substitute for the Burton amendment will be the second vote.

The first vote will be on the Cunningham amendment to the Burton amendment.

Mr. SMITH of Florida. So after this vote there will be a vote on the Volkmer substitute?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. SMITH of Florida. May I inquire whether the Chair has had the Volkmer substitute read or intends to do so after the vote on the Cunningham amendment?

The CHAIRMAN pro tempore. The amendment has already been read.

Mr. BERMAN. Mr. Chairman. I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from California will state his parliamentary inquiry.

Mr. BERMAN. It is my understanding, Mr. Chairman, that the first vote will be on the Cunningham amendment to the Burton amendment, is that correct?

The CHAIRMAN pro tempore. That is correct.

Mr. BERMAN. So that if one finds the conduct of Jordan in the war was in fact reprehensible, but one wants to leave a little discretion for a Presidential waiver whether it be the peace process or anything else, one should vote for the Cunningham amendment.

The CHAIRMAN pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HAMILTON. Mr. Chairman, I yield myself the final minute.

Mr. Chairman, the statement was made a moment ago that matters have been muddied up. They are not muddied up at all here. You have got two choices in front of you. The first is the Burton amendment which cuts off all aid to Jordan, and the second which we vote on first, the Cunningham amendment, is a cutoff of aid to Jordan with a Presidential waiver.

So the real question here is, do you want to give the President the flexibility to move ahead with the peace process and to take advantage of the role that Jordan can play in that peace process, or do you want to look back with vengeance for the misconduct, and I agree that it was misconduct from our standpoint of Jordan during the war.

We want to look forward. The Burton amendment looks back. The Cunningham amendment looks forward toward peace and reconciliation in the area.

If you vote now against the Cunningham amendment and you pass the Burton amendment, what you are doing is putting a major obstacle in front of the Secretary of State and the President on the peace process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 315, noes 105, not voting 12, as follows:

[Roll No. 168]

AYES—315

Abercrombie	Derrick	Hoyer
Ackerman	Dickinson	Huckaby
Alexander	Dicks	Hughes
Allard	Dingell	Hunter
Anderson	Dixon	Hutto
Andrews (ME)	Dooley	Hyde
Andrews (NJ)	Dornan (CA)	Ireland
Andrews (TX)	Downey	Jefferson
Annunzio	Dreier	Jenkins
Anthony	Durbin	Johnson (CT)
Archer	Dwyer	Johnson (TX)
Armey	Dymally	Johnston
Aspin	Edwards (CA)	Jones (NC)
Atkins	Engel	Jontz
Baker	Espy	Kanjorski
Barnard	Fascell	Kaptur
Bateman	Fawell	Kennedy
Beilenson	Fazio	Kennelly
Bennett	Feighan	Kildee
Bereuter	Fields	Kleczka
Berman	Fish	Klug
Bilbray	Flake	Kolbe
Bilirakis	Foglietta	Kolter
Bliley	Ford (MI)	Kopetski
Boehlert	Ford (TN)	Kostmayer
Boehner	Frank (MA)	LaFalce
Bonior	Franks (CT)	Lagomarsino
Borski	Frost	Lancaster
Boucher	Gallo	Lantos
Boxer	Gaydos	LaRocco
Brewster	Gejdenson	Laughlin
Broomfield	Gekas	Leach
Brown	Gephardt	Lehman (CA)
Bruce	Gibbons	Lehman (FL)
Bustamante	Gilchrest	Levin (MI)
Byron	Gillmor	Lewis (CA)
Camp	Gilman	Lewis (GA)
Campbell (CA)	Gingrich	Lipinski
Campbell (CO)	Glickman	Livingston
Cardin	Gonzalez	Long
Carper	Goodling	Lowery (CA)
Carr	Gordon	Lowey (NY)
Chandler	Goss	Luken
Chapman	Gradison	Manton
Clay	Grandy	Markey
Clement	Gray	Marlenee
Clinger	Guarini	Martin
Coleman (MO)	Hall (OH)	Martinez
Coleman (TX)	Hall (TX)	Matsui
Collins (IL)	Hamilton	Mavroules
Collins (MI)	Hammerschmidt	McCandless
Conyers	Hatcher	McCloskey
Cooper	Hayes (IL)	McCrery
Coughlin	Hayes (LA)	McDade
Cox (IL)	Hefner	McDermott
Coyne	Herger	McHugh
Cunningham	Hertel	McMillan (NC)
Dannemeyer	Hoagland	McMillen (MD)
Darden	Hobson	McNulty
Davis	Hochbrueckner	Meyers
de la Garza	Holloway	Mfume
DeFazio	Horn	Michel
DeLauro	Horton	Miller (CA)
Dellums	Houghton	Miller (OH)

Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sawyer
Scheuer
Schiff
Schulze
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Vucanovich
Walsh
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NOES—105

Applegate
AuCoin
Bacchus
Ballenger
Barton
Bentley
Bevill
Brooks
Browder
Bryant
Bunning
Burton
Callahan
Coble
Combest
Condit
Costello
Cox (CA)
Cramer
Crane
DeLay
Donnelly
Doolittle
Dorgan (ND)
Duncan
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Evans
Gallegly
Geren
Green
Gunderson
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Hubbard
Inhofe
Jacobs
James
Johnson (SD)
Jones (GA)
Kasich
Kyl
Lent
Lewis (FL)
Lightfoot
Machtley
Mazzoli
McCollum
McEwen
McGrath
Miller (WA)
Molinari
Natcher
Oxley
Patterson
Paxon
Perkins
Petri
Pickle
Poshard
Ramstad
Ridge
Ritter
Rohrabacher
Ros-Lehtinen
Roth
Sangmeister
Santorum
Sarpalius
Savage
Saxton
Schaefer
Schroeder
Sensenbrenner
Shuster
Skelton
Solomon
Stallings
Stearns
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (WY)
Traficant
Upton
Vander Jagt
Volkmer
Walker
Washington
Weber
Whitten
Wylie
Zimmer

NOT VOTING—12

Barrett
Hopkins
Levine (CA)
Lloyd
McCurdy
Oberstar
Rose
Sanders
Schumer
Serrano
Spence
Weldon

□ 1242

Mr. DONNELLY, Mr. ZIMMER, Ms. MOLINARI, and Messrs. LEWIS of Florida, DELAY, EMERSON, BRYANT, and BEVILL changed their vote from "aye" to "no."

Messrs. ANDREWS of Texas, McCLOSKEY, ZELIFF, TOWNS, and NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. HAMILTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The gentleman will state his parliamentary inquiry.

Mr. HAMILTON. Mr. Chairman, under the rule, is it in order to offer an amendment to the substitute offered by the gentleman from Missouri [Mr. VOLKMER], including the Presidential waiver just adopted?

The CHAIRMAN pro tempore. The Chair would have to rule on the germaneness of any amendment to the Volkmer amendment when offered, but an amendment is in order.

AMENDMENT OFFERED BY MR. HAMILTON TO THE AMENDMENT OFFERED BY MR. VOLKMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA, AS AMENDED

Mr. HAMILTON. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON to the amendment offered by Mr. VOLKMER as a substitute for the amendment offered by Mr. BURTON of Indiana, as amended: Strike out the period at the end of the section proposed to be added by the Volkmer substitute and insert in lieu thereof the following: "unless the President certifies to the appropriate congressional committees that such assistance is in the national interest of the United States.".

The CHAIRMAN pro tempore. The Chair will state that this amendment will have no debate.

Mr. WALKER. Mr. Chairman, I reserve a point of order on the amendment.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Mr. Chairman, I may be following the same train of thought as my colleague, the gentleman from Pennsylvania.

No. 1, I would ask, is this amendment in order? And No. 2, would it not in effect emasculate the Volkmer amendment so that aid could go to Jordan?

The CHAIRMAN pro tempore. The Chair will state that the Hamilton amendment is drafted as an amendment to the Volkmer substitute. The Chair cannot characterize the amendment.

Mr. BURTON of Indiana. I thank the Chair.

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

Mr. WALKER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The Chair states that no debate is in order on this amendment, so the point of order should be disposed of now.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order on the amendment, that the amendment is being offered in the third degree, and, therefore, it is not eligible for consideration in the House.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The Chair will state that the amendment to the substitute is not in the third degree, but is in the second degree.

The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] to the amendment offered by the gentleman from Missouri [Mr. VOLKMER] as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 135, not voting 8, as follows:

[Roll No. 169]

AYES—289

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
Atkins
Baker
Barnard
Barrett
Bateman
Beilenson
Bennett
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Brown
Bruce
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coughlin
Coyne
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Downey
Dreier
Durbin
Dwyer
Dymally
Edwards (CA)
Engel
Espy
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hunter
Hutto
Hyde
Ireland
Jefferson
Jenkins
Johnson (CT)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)

Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Martin
Martinez
Matsui
Mavroules
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Porter
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Reed
Rhodes
Richardson
Riggs
Roberts
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Visclosky
Walsh
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Zeliff

NOES—135

Allard
Applegate
Armey
AuCoin
Bacchus
Ballenger
Barton
Bentley
Bevill
Boehner
Browder
Bryant
Bunning
Burton
Callahan
Coble
Combest
Condit
Costello
Cox (CA)
Cox (IL)
Cramer
Crane
Dannemeyer
DeLay
Dickinson
Donnelly
Doolittle
Dorgan (ND)
Dornan (CA)
Duncan
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Evans
Fields
Gallegly
Gaydos
Gekas
Geren
Gingrich
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Harris
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hubbard
Hughes
Inhofe
Jacobs
James
Johnson (SD)
Jones (GA)
Kasich
Kolter
Kyl
Lent
Lewis (FL)
Lightfoot
Machtley
Marlenee
Mazzoli
McCollum
McEwen
McGrath
McMillan (NC)
Miller (OH)
Miller (WA)
Molinari
Myers
Natcher
Neal (MA)
Oxley
Patterson
Paxon
Perkins
Petri
Pickle
Poshard
Quillen
Ramstad
Regula
Ridge
Rinaldo
Ritter
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Sangmeister
Santorum
Savage
Saxton
Schaefer
Schroeder
Sensenbrenner
Shuster
Skelton
Solomon
Stallings
Stearns
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Washington
Waters
Weber
Whitten
Wylie
Young (FL)
Zimmer

NOT VOTING—8

Hopkins
Huckaby
Levine (CA)
Lloyd
Oberstar
Serrano
Spence
Weldon

□ 1308

Mr. PACKARD and Ms. SLAUGHTER of New York changed their vote from "no" to "aye."

Mr. HOLLOWAY changed his vote from "aye" to "no."

So the amendment to the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MILLER OF WASHINGTON TO THE AMENDMENT OFFERED BY MR. VOLKMER, AS AMENDED, AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA, AS AMENDED

Mr. MILLER of Washington. Mr. Chairman, I offer an amendment to the amendment, as amended, offered as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Washington to the amendment offered by Mr. VOLKMER, as amended, as a substitute for the amendment offered by Mr. BURTON of Indiana, as amended: Strike out the period at the end of the section proposed to be added to the bill by the Volkmer substitute as amended and insert in lieu thereof the following:

and that—

(1) the Government of Jordan has demonstrated its willingness to enter into direct bilateral negotiations with the State of Israel;

(2) the Government of Jordan has recognized Israel's right to exist; and

(3) Jordan is not providing assistance (other than humanitarian assistance) to Iraq.

□ 1310

Mr. MILLER of Washington. 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 Washington?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I want to make sure that I and all my colleagues understand what the amendment does. I would like to ask the gentleman from Washington: This sets very stringent conditions on Jordan before they can receive any money from the Government of the United States?

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. MILLER of Washington. The gentleman is correct.

Mr. BURTON of Indiana. Further reserving the right to object, it amends the Presidential waiver so that if Jordan does not meet these three conditions, the money will not be flowing through to them?

Mr. MILLER of Washington. If the gentleman will yield further, it sets very specific conditions for a Presidential waiver.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

Mr. VOLKMER. Mr. Chairman, reserving the right to object, I reserve the right to object to dispense with the reading on the basis to ask the gentleman from Washington that this language would be immediately following the language inserted or added to my amendment, by the gentleman from Indiana? Is that correct or incorrect?

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Chairman, the gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Does the Chair agree with the gentleman from Washington that this does not knock out or replace any language but only adds to the amendment?

The CHAIRMAN pro tempore. The gentleman is correct. It adds to the language which was amended by the Hamilton amendment to the Volkmer substitute.

Mr. VOLKMER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. MILLER] to the amendment offered by the gentleman from Missouri [Mr. VOLKMER], as amended, as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 8, not voting 14, as follows:

[Roll No. 170]

AYES—410

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonior
Borski

Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—8

Applegate
Gilchrest
Gonzalez
Owens (UT)
Rahall
Savage
Washington
Waters

NOT VOTING—14

Baker
Boehlert
Ford (TN)
Hopkins
Levine (CA)
Livingston
Lloyd
Michel
Oberstar
Payne (NJ)
Serrano
Skaggs
Spence
Valentine

□ 1333

Messrs. RHODES, GOSS, HYDE, and LEWIS of Florida changed their vote from "no" to "aye."

So the amendment to the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER], as amended, as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 4, answered "present" 2, not voting 16, as follows:

[Roll No. 171]

AYES—410

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth

Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Orton
Owens (UT)
Savage
Washington

ANSWERED "PRESENT"—2

Gonzalez
Rahall

NOT VOTING—16

Alexander
Gray
Hall (OH)
Hopkins
Jones (NC)
Levine (CA)
Lloyd
Mavroules
McEwen
Michel
Oberstar
Serrano
Smith (OR)
Spence
Towns
Waxman

□ 1355

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McEWEN. Mr. Chairman, I was present and voted on rollcall No. 171. My vote was not recorded. I would like it to appear that had it been recorded properly, I would have voted "aye."

AMENDMENT OFFERED BY MR. DREIER OF CALIFORNIA

Mr. DREIER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Is the amendment offered by the gentleman from California printed in the RECORD?

Mr. DREIER of California. Yes, Mr. Chairman, it is.

The Clerk read as follows:

Amendment offered by Mr. DREIER of California:—Page 588, after line 24, insert the following:

(h) PROGRAM FOR EAST EUROPEAN POLITICAL EDUCATION (PEEPLE.)—Title II, as amended by subsection (g) of this section, is further amended by adding at the end the following:

"SEC. 209. PROGRAM FOR EAST EUROPEAN POLITICAL EDUCATION (PEEPLE).

"(a) ESTABLISHMENT OF PROGRAM.—In order to assist with encouraging the transition from totalitarianism to democratic society by empowering Eastern Europe's indigenous forces for political and economic freedom, the Director of the United States Information Agency shall establish a Program for East European Political Education. This program shall be designed to provide training and hands-on experience for East European leaders with the United States Congress, in political campaigns in the United States, with the United States media, and with United States business by awarding Congressional Gift of Democracy Fellowships.

"(b) CONGRESSIONAL GIFT OF DEMOCRACY FELLOWSHIPS.—Congressional Gift of Democracy Fellowships pursuant to this section shall be awarded by no more than 2 nongovernmental organizations selected by the Director of the United States Information Agency to develop and administer the Program for East European Political Education. In selecting such organizations, the Director shall consider an organization's past experience in conducting Eastern European internship programs and its ability to coordinate activities with East European democratic and educational organizations.

"(c) MATCHING FUNDS.—Each organization selected pursuant to subsection (b) shall be required to use its own funds or other funds derived from nongovernmental sources, in an amount not less than the amount of funds made available to that organization under this section, for fellowships and its expenses in administering the Program for East European Political Education.

"(d) PERIOD OF FELLOWSHIPS.—Each fellowship pursuant to this section shall be for a period not to exceed 5 months.

"(e) FUNDING.—Of the funds made available to carry out section 204, up to $300,000 for each of the fiscal years 1992 and 1993 shall be transferred to the United States Information Agency for use in carrying out this section.

"(f) TERMINATION.—The Program for East European Political Education shall terminate as of September 30, 1993, unless extended by the Congress, and Congressional Gift of Democracy Fellowships may not be awarded after that date.".

"(i) BUSINESS TO BUSINESS PROGRAM.—Title II, as amended by subsections (g) and (h) of this section, is further amended by adding at the end the following:

SEC. 210. BUSINESS TO BUSINESS PROGRAM.

"The Congress—

"(1) finds that the Peace Corps, the Department of Commerce, and the Small Business Administration are working together to develop a Business to Business Program to send experienced United States businessmen and businesswomen as volunteers to Central and Eastern Europe for an extended period of time to work with private companies and individuals in order to teach basic business and management skills;

"(2) commends the Peace Corps, the Department of Commerce, and the Small Business Administration for developing their Business to Business Program and for recognizing the importance of sending business experts to help in the development of freemarket economies; and

"(3) authorizes the Peace Corps to use funds made available to carry out the Peace Corps Act to implement the Peace Corps' responsibilities under the Business to Business Program.".

Mr. DREIER of California (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 California?

There was no objection.

Mr. DREIER of California. Mr. Chairman, I plan to withdraw my amendment shortly, but I wanted to briefly explain the amendment, its basic intent, and then enter into a colloquy with the gentleman from Indiana [Mr. HAMILTON].

Mr. Chairman, during the past year and a half, I have had the pleasure of hosting four young eastern Europeans in my capitol office: Two young men from Poland, one woman from Hungary, and now a young woman from Bulgaria. Each of those interns was here for a 3-month fellowship program which was sponsored by the nonprofit National Forum Foundation.

Mr. Chairman, we have clearly found that this has been an outstanding program since its inception. We brought more than 80 leaders from political, economic and media sectors of six different countries in central and Eastern Europe to the United States for the intensive program. Hosts have included many of our colleagues here in the House, media organizations such as the Cable News Network, ABC News, and the New Republic, and various private companies around the country.

Frankly, Mr. Chairman, I should say that I was concerned that when these interns spent a great deal of time witnessing Capitol Hill that some maybe would want to go back to communist totalitarianism in Eastern Europe, but in spite of that, we have had success with the program. Many of those leaders are now in prominent positions in their respective governments. All of them returned with an expanded understanding of how a democracy and a free market functions.

Now the Agency for International Developement and the U.S. Information Agency have been running several similar programs. My experience with these is that they are not nearly as effective or inexpensive as the programs which have been run by these private nonprofit organizations.

Mr. Chairman, my amendment seeks to capitalize on the advantages of both the public and private sector efforts. It would establish a 2-year demonstration project, the Program for East European Political Education, or PEEPLE. The Agency for International Development would be directed to contract with a nonprofit group to run the program. AID would have given the group up to $300,000 which would have had to be matched with private funds by the group on a one-to-one basis. This way we clearly would leverage our aid.

The gentleman from Florida [Mr. FASCELL] was concerned that my amendment was micromanaging administration policy, and we know that we are not micromanaging administration policy in this bill, so I have agreed to withdraw the amendment, but I would like to ask a question of the gentleman from Indiana [Mr. HAMILTON].

I understand that the committee is willing to work with me to encourage the Agency for International Develop-

ment to adopt a program similar to my amendment; is that correct?

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

Mr. DREIER of California. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, first let me just commend the gentleman from California [Mr. DREIER] for trying to emphasize the people-to-people program and the private enterprise. I think he deserves praise for that.

Mr. Chairman, we have reviewed the amendment of the gentleman from California [Mr. DREIER]. We agree with its intent. Congress has clearly directed the administration to use the private sector to assist central and eastern Europe whenever possible. We do intend to pursue this matter with the Agency for International Development and the U.S. Information Agency. I hope they will agree that the approach of the gentleman from California is worth exploring, and we will work with him and with them to accomplish that goal.

Mr. DREIER of California. Mr. Chairman, I thank the gentleman from Indiana [Mr. HAMILTON], my friend, for his very generous response.

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

Mr. DREIER of California. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from California [Mr. DREIER] for yielding, and I, too, want to commend the gentleman from California for this worthy proposal.

In the Committee on Foreign Affairs we have had an exchange program with interns between South Korea and the United States. We are going on, I think, our ninth year now. It has worked out admirably. We also have a Bundestag exchange program with German scholars and American students, and that, too, has worked very well over the years.

So, Mr. Chairman, I hope that we can formulate and implement this program that the gentleman from California [Mr. DREIER] proposes when we meet with the leaders in eastern Europe. They have always emphasized the need for better education and more familiarity with our Government, and this certainly would go a long way in bringing that about, and for that reason I am wholly supportive of the gentleman's proposal.

□ 1400

Mr. DREIER of California. Mr. Chairman, I thank my friend, the gentleman from New York [Mr. GILMAN] for his support.

Mr. Chairman, I am happy to yield to the distinguished ranking member of the full committee.

Mr. BROOMFIELD. Mr. Chairman, I also join in commending the gentleman from California [Mr. DREIER] for this initiative. I think there is nothing we need more than a people-to-people program, and as the gentleman from New York [Mr. GILMAN] has said, these programs have worked. So why should we not have a similar program for Eastern Europe?

Mr. Chairman, I can assure the gentleman from California [Mr. DREIER] that I will be working with the chairman of the full committee, as well as the chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON], in working this out at a later date.

Mr. DREIER of California. Mr. Chairman, I thank my friend, the gentleman from Michigan, for his support.

Mr. Chairman, once again, assuring the Members that we do pursue this goal of not micromanaging in this bill, I am happy to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment offered by the gentleman from California [Mr. DREIER] is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The Chair will inquire, is the amendment printed in the CONGRESSIONAL RECORD?

Mr. KASICH. Yes, it is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Page 568, after line 14, insert the following:

SEC. 818. SADDAM HUSSEIN'S WAR CRIMES

It is the sense of the Congress that the United States Government should significantly increase its efforts in cooperation with the United Nations Security Council, the International Court of Justice, and other appropriate international organizations to apprehend the President of the Republic of Iraq, Saddam Hussein, and to bring about his trial for crimes against peace, violations of the laws of war, and crimes against humanity.

Mr. KASICH (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 Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, let me speak very quickly, first of all recognizing the work of the gentleman from Minnesota [Mr. RAMSTAD], who has worked very hard to collect cosponsors on a bill to do about the same thing. The reason I am offering this amendment is because it seems to me that every day that goes by, Saddam Hussein becomes more legitimate as the leader of a country, and it is an absolute terrible outrage that in any way, shape, or form he could be legitimized.

The President said that in the formation of a new world order we should make it clear that we are not going to accept aggression, that we are going to resolve problems at the negotiating table and not on the battlefield. He taught the Iraqi Army a lesson, but I think it is equally important in the new world order that we hold the leaders personally accountable for the kinds of actions taken by their forces. That is why I think it is necessary for us to pursue the war crimes against Saddam Hussein and his associates who carried those war crimes out, particularly in Kuwait.

I happened to have been in Kuwait City, and I can say that the reason why the Kuwaitis were so thrilled that we were there was not only because they wanted their own freedom but because they felt they could be next on the Iraqi hit list, that they could be shipped up to the torture chambers or could end up in the ground after having been killed.

Second, I am not only interested in pursuing this because I want Saddam Hussein to be punished for war crimes but because I would like to see a precedent established that creates a mechanism in the world so that the world can deal with despots like Saddam in the future, so we do not have to put ourselves in the position of putting 500,000 troops on the battlefield instead of being able to take more preventive measures early on.

One example is Kim Il-song in North Korea. I would love for this to be an energizing mechanism so that the world could not only prosecute Saddam Hussein but then move on to collective world action and be able to send serious messages to people like Kim Il-song so that if necessary we could take pinpoint action against him to neutralize his real intentions. I want this to be that mechanism, and I want this to create that precedent.

Mr. Chairman, I yield now to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I rise in strong support of this amendment to bring Saddam Hussein to justice.

In February I introduced House Concurrent Resolution 81, which calls upon the United Nations to take all appropriate steps to try Saddam Hussein and his subordinates for war crimes. The resolution I introduced February 28, 1991, now has 98 cosponsors, which reflects strong bipartisan support for prosecuting Saddam Hussein for war crimes.

Like House Concurrent Resolution 81, the amendment before us today would hold Saddam Hussein accountable for his illegal invasion of Kuwait; his brutual treatment of the Kuwaiti people and allied prisoners of war; his unprovoked Scud attacks against Israel, and his destruction of Kuwait's land and oil resources.

Pursuant to the Geneva Convention of 1949, Saddam's numerous atrocities unquestionably merit prosecution for

war crimes. A war crimes trial is not only justified, it is necessary to send a historic message to all future dictators that the international community will enforce well-established principles of international law.

As author, philosopher, and Holocaust survivor Elie Wiesel recently stated before the Senate Foreign Relations Committee:

The story of war does not end with the end of war. It continues beyond the killing * * *. Let history record our determination that whenever an aggressor will launch war against defenseless countries, his story will inexorably lead him before an international court of justice.

Mr. Chairman, the call for a war-crimes trial is growing throughout the international community. Ministers of the 12-Nation European Community have voiced their support, as has the U.S. Senate.

In addition, U.N. Secretary General Javier Perez de Cuellar has instructed U.N. international law advisors to consider how to implement a war crimes trial if it were decided such a trial should take place.

We cannot allow a dark footnote to appear on the history of this war by allowing Saddam to go unpunished. We cannot allow this brutal aggressor to regroup and fight another day.

I therefore urge my colleagues to show that our Nation is committed to holding Saddam accountable for his war crimes by lending their support to this amendment.

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

Mr. HAMILTON. Mr. Chairman, I have an amendment to the amendment offered by the gentleman from Ohio [Mr. KASICH], and I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Is the gentleman from Indiana [Mr. HAMILTON] seeking the time in opposition to the amendment?

Mr. HAMILTON. I am, Mr. Chairman.

AMENDMENT OFFERED BY MR. HAMILTON TO THE AMENDMENT OFFERED BY MR. KASICH

Mr. HAMILTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON to the amendment offered by Mr. KASICH: Delete lines 1 through 8 of the amendment and insert in lieu thereof the following:

SEC. 818. IRAQI WAR CRIMES AND CRIMES AGAINST HUMANITY.

It is the sense of Congress that the President of the United States should confer with members of the United Nations Security Council and seek appropriate Security Council action to establish an appropriate international tribunal to try all individuals, including Iraqi President Saddam Hussein, who were involved in the planning or execution of war crimes and crimes against humanity during and after Iraq's August 1990 invasion of Kuwait.

Mr. HAMILTON (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 Indiana?

There was no objection.

Mr. HAMILTON. Mr. Chairman, the amendment before us offered by the gentleman from Ohio [Mr. KASICH] calls for the United States, in cooperation with the United Nations or several international organizations, to apprehend Saddam Hussein and try him for war crimes.

I am quite sure that every Member of this body supports the sentiments that are expressed in the gentleman's amendment, and I want to commend him for offering that amendment. There are some concerns about the amendment that I have, and that is the reason that I have offered this amendment. Let me first express my concerns and then indicate what my amendment does.

The concerns I have with the amendment offered by the gentleman from Ohio [Mr. KASICH] really relate to the question of apprehension. It says that the United States will significantly increase its efforts to apprehend Saddam Hussein, and, of course, that raises the question of how we are going to do it. How do we apprehend him? To what extent are we prepared to use force to apprehend him, and are we prepared to endorse, for example, the redeployment of American troops in the region to get the job done? What role under the amendment would the United Nations play in securing that apprehension?

So I find myself in a fairly difficult position, very much agreeing with the sentiments of the gentleman as he has expressed them but also looking to the amendment to find some difficult matters for the United States to deal with from a policy standpoint.

□ 1410

So I have offered this amendment, and it really does three things. Right at the center of the process in expressing the sense of the Congress, it puts the United Nations. It says that the United States should confer with members of the U.N. Security Council and seek appropriate Security Council action to establish the appropriate international tribunal.

It goes one step further than the gentleman's amendment, because his amendment is directed only at Saddam Hussein. The amendment that I have offered includes Saddam Hussein, of course, but also all others who might be associated with the guilt that all Members think he bears.

The other point I would make about the amendment, as drafted, as I have offered it, is that I think it avoids some of the difficult matters that arise when you talk about apprehending Saddam Hussein under present circumstances.

So I want to commend the gentleman from Ohio [Mr. KASICH] for raising this. He is right on target, to suggest war crimes, and it is with some reluctance that I offer this amendment. But I do think it is appropriate, in view of some of the difficulties I expressed.

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

Mr. HAMILTON. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I want to commend the gentleman from Indiana [Mr. HAMILTON]. The gentleman does make improvements in terms of broadening those people we want to hold viable for war crimes. In terms of the mechanism for apprehending Saddam Hussein, the Geneva Conference provides a mechanism for being able to do that.

Mr. Chairman, what is most important here is that we just do not put this behind us, legitimize the rule of Saddam, and that the administration take this seriously.

It is my understanding that the other body has already approved somewhat similar language. What I would like to see is for the United States to prosecute Saddam postwar as hard as we worked to prosecute prewar and during the war period. I think that is what this language in this amendment does.

Mr. Chairman, I hope the gentleman from Indiana [Mr. HAMILTON] will work with me to make sure that the administration knows that this House is serious. If we do not see action to move along these lines, I am personally going to take more severe action to force us to move in this direction.

Mr. Chairman, I accept the amendment of the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, reclaiming my time, I thank the gentleman from Ohio for his comments. I appreciate it, and will work with him on it.

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

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

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment on Iraqi war crimes offered by the gentleman from Ohio [Mr. KASICH] and the amendment to the Kasich amendment by the gentleman from Indiana [Mr. HAMILTON].

Saddam Hussein is guilty of war crimes and crimes against humanity. There is evidence that by invading and occupying Kuwait, Iraq committed grave breaches of the Fourth Geneva Convention by subjecting the civilian population of Kuwait to inhumane treatment and savage acts of violence, by subjecting Kuwaiti civilians to physical coercion and suffering in order to obtain information, and by indiscriminately firing missiles into populated areas of Israel and Saudi Arabia with the intent of killing and injuring innocent civilians.

Iraq also violated the Third Geneva Convention by subjecting United

States and allied prisoners of war to physical and psychological abuse and by deliberately placing them at locations subject to allied bombardment.

Saddam Hussein stands at the helm of the regime which perpetrated these heinous crimes. There can be no doubt that he was directly responsible for their commission.

Mr. Chairman, United Nations Security Council Resolutions 670 and 674 provide a basis for prosecuting Saddam Hussein and other Iraqi officials for war crimes and crimes against humanity. It is now time to give meaning to those resolutions by initiating appropriate legal proceedings.

Accordingly, I urge the adoption of the Kasich amendment as amended by Mr. HAMILTON.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume, only to say not only should we do this, but, again, this should serve as a precedent for not only the world taking collective action against Saddam, but being able to prevent large-scale deployments in the future if the world can act collectively and preventively, using this as the energizing factor.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON] to the amendment offered by the gentleman from Ohio [Mr. KASICH].

The amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH], as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the order of the House, the vote on the amendment offered by the gentleman from Ohio [Mr. KASICH] as amended by the amendment offered by the gentleman from Indiana [Mr. HAMILTON] will be postponed until after debate on the next amendment.

AMENDMENT OFFERED BY MR. BRYANT

Mr. BRYANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRYANT: Page 549, insert the following after line 21:

(e) LIMITATION ON ASSISTANCE.—

(1) STATEMENT OF POLICY.—(A) The Congress strongly supports the preservation of the security and freedom of the State of Israel, and recognizes the extraordinary burden borne by Israel in accommodating the influx of Soviet Jews. The Congress also appreciates Israel's policy of restraint in the Persion Gulf conflict.

(B) The Congress recognizes that the United States commitment of $3,000,000,000 annually to Israel is a significant one, and one which will likely continue until obstacles to peace in the Middle East region are removed. Accordingly, the removal of obstacles to peace is a matter of significant importance to the United States.

(2) REPORTS ON INVESTMENT BY ISRAEL IN WEST BANK AND GAZA.—The President shall submit to the Congress, not later than February 1, 1992, and not later than February 1, 1993, a report on the extent of investment by the Government of Israel in new and expanded settlements in the West Bank and Gaza, other than in Jerusalem. The first report shall cover such investment during the 1991 fiscal year of Israel, and the second report shall cover such investment during the 1992 fiscal year of Israel.

(3) RESTRICTION ON ASSISTANCE FOR FISCAL YEAR 1992.—(A) Of the amounts otherwise made available under subsection (a) for fiscal year 1992, $82,500,000 shall be withheld, notwithstanding subsection (a)(2).

(B) The restriction contained in subparagraph (A) shall cease to apply if and when the President certifies to the Congress that the Government of Israel has demonstrated that it is not investing in new and expanded settlements in the West Bank and Gaza, other than in Jerusalem.

(4) RESTRICTION ON ASSISTANCE FOR FISCAL YEAR 1993.—(A) If a certification has not been made under paragraph (3)(B) by September 30, 1992, then of the amounts otherwise made available under subsection (a) for fiscal year 1993, an amount shall, notwithstanding subsection (a)(2), be withheld which is equal to the amounts expended by the Government of Israel in investment described in paragraph (2) as reflected in the report submitted under paragraph (2) by February 1, 1992.

(B) The restriction contained in subparagraph (A) shall cease to apply if and when the President makes a certification described in paragraph (3)(B).

(5) AVAILABILITY OF WITHHELD FUNDS.—Amounts withheld under paragraphs (3) and (4) shall remain available until expended, notwithstanding any conflicting provision contained in any appropriation Act.

Mr. BRYANT (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 Texas?

There was no objection.

Mr. BRYANT. Mr. Chairman, the policy of the Likud government of Israel today is to accelerate the expansion of settlements in the West Bank and the Gaza Strip, taking land in these areas from the Palestinians who live there, and building Israeli settlements where Palestinians once lived and worked.

I offer my amendment today because I believe that it is no longer possible not to conclude that these settlements are wrong. They are wrong because it is always wrong to take the land of a neighboring people, and because this policy is undermining the historic American consensus of support for Israel, which has always been based on the high moral purpose which we have associated with Israel's existence from the very beginning.

Mr. Chairman, this policy is wrong, because it is clearly, undeniably, and irrefutably an obstacle to peace.

This is not a temporary policy. The policy of the Likud coalition that now governs Israel to continue to expand settlements in the West Bank and the Gaza is a part of the Likud political ideology to build a big Israel by gradually taking the lands now occupied by Palestinians in the West Bank and Gaza.

I would point out that in the last 2 months, they have taken more land than during the last 2 years combined. Between Secretary Baker's first postwar peace visit on March 9, and his second visit on April 9, more than 20,000 acres were taken from Arab landowners.

It is wrong under any circumstances to take land that is not your own, and, for this reason alone, we should be acting today to stop it, notwithstanding any impact it might have on peace negotiations.

But it also very clearly is an impediment to peace. The Likud government's provocative announcement of more settlements on the day Secretary of State Baker arrived on a peace mission spoke louder than I possibly can in this regard.

Subsequently, in testimony before Congress, Secretary of State Baker said that these settlements are, in his view, the greatest obstacle to peace.

Mr. Chairman, I do not think they are the greatest obstacle, but they are clearly an obstacle. There are other greater obstacles: The obstinate refusal of the Arab rulers to sit down and negotiate with Israel, the Arab boycott of companies which do business with Israel, and the Arab refusal to recognize Israel. And the outrageous treatment of Palestinians by Arab rulers, should not be ignored in this debate either.

But we have spoken out against the obstacles caused by Arab policy. The Likud government of Israel should not be able to use these circumstances to justify creating an additional obstacle.

Mr. Chairman, the expansionist policies of the Likud coalition which now governs Israel can no longer be sanctioned by the studied and timid silence of this House due to our concerns about domestic politics.

What they are doing is wrong. The amendment before the House is a modest effort to respond, and it simply says that we are going to hold in escrow $82.5 million of the $3 billion which we are now sending annually to Israel, which is an amount equal to the size of Israel's expenditure annually on West Bank settlements, according to our State Department.

As soon as the President certifies that the expansion of these settlements has ceased, that money will be released from escrow and sent posthaste to Israel.

What the Likud government is doing today is wrong for Israel. It is eroding the historic notion that there is a strong moral imperative associated with our support for Israel. This is not the Israel that Americans for decades

have instinctively supported. This is the Likud government that we debate with today, embarrassing the American Secretary of State, taking the land of others and moving forward, heedless to international and national ramifications, as they pursue their own ideological goals.

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We will be advised today, by the chairman of the subcommittee, once again, after years of having raised this issue quietly, to wait, to wait until the fall, to wait until next week, to wait until the Foreign Affairs Committee brings forward a more balanced, so to speak, amendment which criticizes the Arab governments.

If a more balanced amendment was necessary, where is it today? Why hasn't the committee brought one before us while we are considering the foreign aid bill?

How many resolutions must we support condemning actions of the Arab governments, how many Dear Colleague letters must we sign in support of Israel, how many Arab arms sales must we oppose, in order to prove that we condemn the anti-Israel policies of the Arab governments? How many billions of dollars must we send to Israel to prove whose side we are on?

We do not have to prove our bona fides with regard to Israel. We have every right to object to the policy of an ally which is wrong, which is an obstacle to peace, and which is supported by $3 billion per year in our foreign aid.

This is a hard vote. AIPAC has been in the hall all day long working Members one by one against this amendment, which they should be supporting, but it is wrong to continue to remain silent when we know that to remain silent is not in the interest of our country or of Israel. I submit that those Members who support Israel have an obligation not only to spend the tax dollars for Israel's benefit in the proposal before us today but to spend some of our own political capital to protect the moral foundation upon which the support of Israel has always rested, to protect the people of Israel from the extreme policies of the Likud coalition, to protect the reputation for fairness of the United States of America, and to protect the possibility of peace in the Middle East.

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

First of all, I want to say to the gentleman from Texas who has offered this amendment that I share his view that the expansion and thickening of these settlements is, in fact, an obstacle to peace and, therefore, I have some reluctance to oppose this amendment. I commend him for offering it, but I do feel constrained to oppose it.

First of all, because the amendment simply does not have, as he suggested in his remarks, balance. If we are going to make progress on the peace process, then we are going to have to treat these parties in a balanced way. And the problem is here that the gentleman has simply not done that with this amendment.

The gentleman, in a letter that he circulated to Members of this institution, said that the principal obstacles to peace, the principal obstacles to peace are things that the Arabs have refused to do, and yet his amendment is aimed only at the Israelis.

If the principal obstacles are in fact what the Arabs have not done, then why offer an amendment aimed at the Israelis? This amendment is aimed at one party to the dispute. There are many parties to this dispute, and to aim an amendment at one party is not to push the peace process forward.

I think this amendment will not be effective even if it were enacted in law. It is not going to stop the settlements.

We are going to stop the settlements only through the peace process itself. We are not going to stop the settlement by putting penalties on one party or the other or even all parties.

The best way to stop the settlements is to push that peace process forward. This amendment is inappropriate in terms of timing.

The Foreign Minister of Israel is going to be here this week to discuss these matters with Members. And to pass this amendment at this moment when he is coming forward to give Members information about these settlements, as we have requested him to do, I think is a mistake.

So I think this amendment, though very well intentioned and certainly aimed at an obstacle for peace, which are the settlements and the thickening of those settlements, is a mistake.

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

Mr. HAMILTON. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I wonder how many of those who would support this amendment have stood on the eastern suburbs of Tel Aviv and looked east. There, just 7 miles away, is a mountain range—a mountain range situated in the West Bank.

The land in question was captured by Israel when Israel was attacked by its Arab neighbors in 1967. It was, on Israel's part, a defensive action—an action necessitated by geography and necessitated to secure the eastern border from an aggressor—and in the intervening years, the Israelis have taken steps to defend themselves from future attacks.

I don't know whether it is necessary for them to establish settlements in the territory or not.

But, I do know this; Israel has stood firm as our ally since 1948. Time after time our two governments have seen things the same way. Whether it be in the United Nations, on issues regarding human rights, or in the values embodied in the basic tenants of our two sister democracies—we have stood together.

This amendment seeks to change the long-standing nature of the relationship our country has with Israel. It essentially says: Prime Minister Shamir, we do not like your housing policy in the territories, and we are going to try to force you to change it.

Never mind that they are the policies of an official state. Never mind that Israel's very existence is dependent on secure borders. And, never mind that these policies are the result of decisions made by lawfully elected and appointed officials in a democracy.

We have three possible courses of action with regard to Israel's future, and our future relationship:

First, to continue to aid Israel as we have in the past, our only staunch alley in the Middle East.

Second, to recognize the real issue—the problems involved in the ongoing relationship between the Israelis and their Arab neighbors. I hold that the Palestinian issue is a symptom, an offshoot of the real issue—the continued tension and lack of understanding by Arab governments toward Israel and in fact a lack of understanding and tension between the Arab countries themselves.

Third, support this amendment and for the first time atempt to impose an important policy decision on Israel. I believe an unwise option—unwise for our country and for Israel.

If you disagree with the Israeli policy on settlement, that's your right, but it is not right to try to impose your will on our only democratic ally in the Middle East. It should be the Israelis who make that decision.

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

Mr. HAMILTON. I yield to the gentleman from Wisconsin.

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

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

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

Mr. ENGEL. Mr. Chairman, I rise in strong opposition to the amendment.

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

Mr. HAMILTON. I yield to the gentleman from Delaware.

Mr. CARPER. Mr. Chairman, I rise in support of the Bryant amendment, doing so as a strong supporter of both United States foreign policy in the Middle East and United States foreign aid to Israel.

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

Mr. HAMILTON. I yield to the gentleman from New

Mr. GILMAN. Mr. Chairman, I rise in strong opposition to the gentleman's amendment and in strong support of

the remarks of the gentleman from Indiana. I just would like to comment that only a very small percentage of the refugees that have come to Israel have settled in the settlement area. I think that what we are doing is arranging a scarecrow type of tactic here that does not lead to a peaceful solution to the problem.

Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Texas [Mr. BRYANT].

Mr. Chairman, under the guise of trying to promote peace between the Palestinians and the Israelis, this amendment attempts to link aid to Israel to specific domestic Israeli policy—that is the cessation of settlement activity in the West Bank and Gaza. I believe that this measure only targets one side of the equation, and only serves to undermine peace.

This amendment punishes Israel, the only democratic nation in the Middle East without addressing the principal ongoing causes of regional instability: the Arab boycott of Israel; the continued state of belligerency that the Arab nations have maintained against Israel since its inception; and the refusal of all of the Arab nations except Egypt to recognize Israel and engage bilaterally in direct negotiations.

Movement toward peace requires confidence on both sides. Conditioning United States foreign assistance only undermines Israel's ability to make concessions necessary for peace in the region and erodes Israeli confidence.

Mr. Chairman, I am unequivocally opposed to this amendment. The United States provides Israel with aid because it is in America's best interest. It enables Israel to promote America's interests and project democratic ideals. Accordingly, I strongly urge the defeat of this amendment.

Mr. LEVINE of California. Mr. Chairman, I rise in strong opposition to the Bryant amendment which links American foreign aid to Israel to Israeli domestic policies.

My distinguished colleague from Texas appears to be working on the same erroneous assumption as Secretary Baker—that Israeli settlement policy in the West Bank and Gaza is the impediment to the peace process. Such fallacious logic will not lead to peace in the Middle East and will only embolden the Arab States to continue their belligerency and rejectionist policies toward Israel.

As the New Republic editorial this week correctly observes:

> For Mr. Baker, the settlements are a convenient alibi for his failure to produce any Arabs at all for serious negotiations * * * every skewed and petulant reproach of Israel by Mr. Baker only enhances the power of the growing minority in that country which takes this hatred as an excuse to do everything that exacerbates it.

Although this amendment intends to punish Israel in order to move the peace process forward, in reality it will only erode the confidence of our only democratic ally in the region and consequently, undermine the peace process when it is at an extremely delicate stage. Just last week, Secretary Baker met with Israeli Foreign Minister Levy. How can we expect Mr. Levy and his government to make concessions at this sensitive stage of the peace process while the United States Congress is threatening to punish Israel before any negotiations have even begun?

While Israelis may be divided on the issue of settlements, they are united in their fears that conditioning United States foreign aid on the cessation of settlements undermines the integrity and sovereignty of the State of Israel.

Israelis on the left and right also understand the history of the region. This history sheds far more light on the sources of instability in the Middle East than Mr. BRYANT or Mr. Baker's assumptions regarding Israeli domestic policy.

Every Arab nation, except Egypt, has been in a state of war with Israel since its inception. Even after the gulf war and the sacrifices over half a million American men and women made to defend Arab soil, America's Arab coalition partners continue to snub our requests to negotiate directly with the State of Israel. The Arab states continue to isolate Israel through its enforcement of the Arab economic and diplomatic boycott. They continue their efforts to expel Israel from the United Nations and other international organizations.

These outrageous policies must end or we will never see peace in this region. Using the settlements as an excuse not to come to the table is just an excuse to avoid coming to terms with Israel's existence. The Israeli Government has stated several times that once direct negotiations begin between Israel and its Arab neighbors, all issues, including the future disposition of the West Bank and Gaza, will be discussed.

By prematurely raising the settlements issue and portraying it as the greatest impediment to the peace process, the Bryant amendment ignores the greater impediment to peace—Arab intransigence and belligerency against Israel—and threatens to undermine the peace process at this pivotal moment in its development.

I strongly urge my colleagues to cast their votes against the Bryant amendment.

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of the Bryant amendment. The bill before the House today maintains a generous assistance program for Israel, one which will increase under the bill by 6 percent in fiscal year 1993 to $3.2 billion. Given this commitment of resources, we should ensure that our foreign aid program is consistent with our stated policy objectives—and that is what the Bryant amendment seeks to do.

Administrations of both parties have held that the creation of additional Jewish settlements in Israeli occupied territories are counterproductive to the peace process. Already the Israeli Government has confiscated 40 percent of West Bank land. I do not believe we should subsidize, even indirectly, new or expanded settlements in the West Bank or Gaza. Without a commitment from Israel that it will not increase settlements in occupied territories, we have no assurance that the assistance we provide does not serve to substitute for Israeli moneys that can then be used to support new settlements.

Withholding aid in an amount equal to Israel's investment in new or expanded settlements is appropriate to ensure that we do not undercut our own policy with respect to advancing the peace process. This amendment does not lessen our commitment to Israel's security nor discourage the emigration of Soviet Jews to Israel. Therefore, I urge its adoption by the House.

Mr. STALLINGS. Mr. Chairman, I rise today in opposition to the Bryant amendment. Under the guise of helping the peace process, this amendment attempts to link aid to Israel to specific domestic Israeli policy. Rather than serving the cause of peace, such action would undermine the peace process. It also targets only one side of the equation.

With this amendment, foreign aid to Israel becomes the tool of individual policies rather than the product of a strong relationship between two nations. Doing this sets a dangerous precedent for U.S. policy.

Conditioning foreign aid on any specific Israeli policy opens the door to a wide range of stipulations. While friends of Israel may believe that linking aid to settlements is a useful means of promoting peace, enemies of Israel perceive it as legitimizing further coercive action against Israel.

Movement in the peace process requires confidence on both sides. Conditioning U.S. foreign assistance only erodes Israeli confidence and undermines its ability to make the concessions necessary for peace in the region. The administration is working on peace initiatives in the area. I believe that passage of this amendment would undermine that cause.

The United States provides Israel with foreign aid because it is in the best interest to do so. There can be no doubt that it has served our interests to do so in the past—a point underscored vividly in the recent Persian Gulf war.

As we consider the future, we would be ill-advised to abandon a course and a relationship that have been of such benefit to both the United States and Israel. Over the long term, Israel's role as an advocate, ally, and friend advancing United States interests in the Middle East is vital.

I believe Israel is committed to the peace process and I urge my colleagues to avoid actions that would undermine that process.

Mr. CARDEN. Mr. Chairman, I rise today in opposition of Mr. BRYANT's amendment to the foreign aid bill. Withholding $82.5 million from the aid earmarked for Israel in fiscal year 1992 is not in the best interest of Israel, the United States, or peace in the Middle East as Mr. BRYANT claims.

Foreign aid to Israel is an important strategic investment for the protection of vital United States interests. There is no denying that our aid benefits Israel directly, but it also serves to promote United States interests through a stable and loyal ally in a hostile and unpredictable region of the world. According to Secretary of Defense Richard Cheney, "We do not consider our relationship with Israel to flow in only one direction. The United States provides aid and assistance to Israel, but we also get national security benefits in return."

Withdrawing aid from Israel and putting pressure on Israel is not, in my opinion, the correct way to advance the peace process or United States interests in the stability of the region.

The United States should not take away one of Israel's bargaining chips without any progress by the Arab nations. History shows very clearly that the settlement question is negotiable. During the Camp David accords, Israel gave up settlements in the Sinai in exchange for concessions on the part of Egypt.

Further, it should be pointed out that the absence of settlements prior to 1967 and their relative scarcity up to 1977 did not bring any of Israel's Arab neighbors to the peace table.

If the United States is going to put such harsh pressure on Israel regarding the settlements, then why not do something about the numerous issues that continue to stand in the way of peace in the Middle East: First, the state of war maintained by all of the Arab nations against Israel, second, the refusal of every Arab nation except Egypt to recognize and negotiate directly with Israel, third, continued efforts by the Arab world to have Israel expelled from the United Nations, and fourth, the continuation of the Arab boycott against Israel.

The United States must continue its efforts to bring about direct negotiations between Israel and its Arab neighbors. It should not force unilateral concessions by Israel. Mr. BRYANT's amendment should be soundly defeated by this body.

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to the Bryant amendment and in support of the full package of military and economic aid for Israel.

I was recently in Israel where I was fortunate enough to witness the largest airlift of refugees in history. Over 14,000 Ethiopian Jews were rescued from a war-torn and famine-ravaged land in less than 30 hours. The costs of this massive airlift combined with the cost of feeding, clothing, sheltering these refugees is monumental. With the added responsibility of providing for hundreds of thousands of Soviet refugees, it is clear that Israel's economy is being put to a severe test in her efforts to provide sanctuary to Jewish refugees the world over.

The Bryant amendment withholds aid to Israel under the pretense that Israel is the main obstacle to peace in the Middle East. This is simply not true. Israel has repeatedly invited the Arab States to sit down and negotiate peace. However, these nations refuse to do so. Not only do they maintain their state of belligerency against Israel, but they refuse to make even a symbolic gesture to prove that they are serious about peace. We should not allow the Arab States to delay the process further by trying to change the issues and cast blame on Israel.

If we are serious about achieving a lasting peace in the Middle East, our focus should be on encouraging the Arab States to move this process along by taking the very basic and fundamental step of recognizing Israel. It is not Israel which is obstructing this process. It is the Arab States at whose side we fought in Operation Desert Storm. It would be a grave error to withhold vital aid to Israel. It would also be a totally inappropriate attack on our loyal and dependable ally, on the only democracy in the region. In the strongest possible terms, I urge my colleagues to defeat this amendment.

Mr. WOLPE. Mr. Chairman, I rise in strong opposition to the Bryant amendment to H.R. 2508, the foreign assistance authorization legislation, which would link United States economic assistance to Israel with settlement activity in the West Bank and Gaza.

Make no mistake, the process of settling the occupied territories by Israel is a significant obstacle in Arab-Israeli peace negotiations, and the United States should continue to urge the Shamir government to reassess its policy of settling the occupied territories.

But at this critical juncture of the Middle East peace process, this is no time to threaten Israel with a cut in economic assistance. Indeed, a cut in United States aid to Israel at this time could certainly be counterproductive. It is important to remember that the underlying differences of the Arab-Israeli dispute are not between the United States and Israel. Rather, the underlying differences are between Israel and her neighbors.

Mr. Chairman, I want to take this opportunity to focus particular attention on those provisions of this legislation that relate to U.S. policy in the Middle East. In the aftermath of the allied war against Iraq, it is clear that the United States must redouble its diplomatic effort in this region. In my judgment, the cornerstone of United States policy is the Middle East must remain our relationship with the State of Israel. I believe, this legislation would enhance our relations with Israel, and contribute to the overall peace and stability of the region.

The war against Iraq and Saddam Hussein tested not only American resolve and values but it also tested the strength of our allies' commitment to upholding international law and thwarting aggression. Simply put, the war let us know who our friends are in the Middle East. And clearly, Israel emerged, as always, as our essential ally in the region.

Saddam Hussein's threat extended beyond Kuwait and Saudi Arabia. In the days before the outbreak of the air war, at the fateful meeting in Geneva between Secretary of State Baker and Iraqi Foreign Minister Tariq Aziz, a chilling warning of direct attack against Israel was made—not only in private but before the world's media. This blatant threat against another sovereign state shocked the world, and made clear Saddam Hussein's ruthless intentions. From that moment, Israel was on notice of an imminent threat to its people and property; Israelis feared that Saddam would launch chemical gas attacks against population centers, reviving bitter memories of the Holocaust.

On the second day of the air war, the missiles did begin to fall on Israel. We watched, with fear and anxiety, as the warheads slammed into the residential neighborhoods. By virtue of the live television coverage of the assault, we, as Americans, lived through the attacks as if we were Israelis at that moment. Americans identified with and came to the defense of a country that had not attacked Iraq, and that had no forces deployed against Iraq.

To be sure, Israel supported from the outset the American construction of a worldwide alliance that would confront and reverse Saddam's aggression. But at the request of the United States, Israel exercised enormous restraint in order to maintain the fragile coalition of forces arrayed against Saddam Hussein.

When Scud missiles rained down on the heads of innocent Israeli citizens, Israel acted in the interests of the United States and the American-led coalition and withheld a retaliatory strike. Israel absorbed Saddam's blows, one by one, relying only on the assurances of the United States that Iraq's offensive military capabilities would be suppressed and eliminated. Not in recent memory has any sovereign state ceded such control over its security to another country. The United States proved true to its word. And Israel abided by its commitment, forged in the skies over Tel Aviv, to the President and the Secretary of State.

For this alone, Israel deserves the continued assistance of the United States. But there are other, compelling reasons why Israel merits the special consideration we have provided in this legislation.

Israel is currently experiencing one of the most dramatic waves of immigration in its history. Hundreds of thousands of Soviet Jews have poured into the country over the past 2 years, riding a wave of hope away from the slow and painful disintegration of their lives in the Soviet Union. The costs of absorbing these Soviet Jews will be enormous, and Israel needs as much help as possible in fulfilling the aspirations of a generation of Soviet Jews.

Barely a month ago, another modern miracle unfolded in the shadows of the civil war in Ethiopia. The community of Beta Israel—some 16,000 Ethiopian Jews—that has been besieged for years, victims of geopolitical struggles far beyond their control, was airlifted, en masse, on a magic carpet of round-the-clock jumbo jets. These Ethiopian Jews now join their brethren from the Operation Moses airlift years ago. A people has been saved from repression and brought into freedom—in the one country in the world prepared to receive them. Because of this humanitarian drama as well, Israel needs and deserves our support.

It is our fervent hope, Mr. Chairman, that the postwar Middle East will be conducive to finding, at last, a just and lasting peace between Israel, the Palestinians, and her Arab neighbors. Although I will never give up personal hope that peace can be achieved, I must admit I am discouraged by the very slow progress to date.

Some argue that Israel's policies—particularly with respect to the settlements on the West Bank and the administration of the occupied territories—are the primary obstacle to peace, and the cause for the current stalemate in negotiations. Certainly, the United States should continue to press the Israeli Government on the related issues of settlements and land seizures; it is also important that the human rights concerns of Palestinians be more effectively addressed. But these are not—and never were—the primary obstacles to peace. Impediments, yes, but the underlying cause of the conflict, absolutely not.

It was my hope that, if the new world order following the coalition's victory against Iraq meant anything, it would be that we would no longer have business as usual in the region. And this had to mean, first and foremost, that the Arab nations allied with us would put aside their state of war against Israel, would end the Arab boycott of Israel, and would openly recognize Israel's right to exist. Period.

This has not happened—and I am afraid, with the passage of time, that the opportunity for breakthrough diplomacy in the postwar era may be slipping away from us. I understand Secretary Baker's frustration with Israel's policies with respect to the occupied territories,

but in all honesty it is disappointing that the administration has not expressed the same degree of concern on the threshold question that the Arab countries must face, and face immediately: Whether they are willing to recognize the right of Israel to exist.

I do not have any doubt that, should the leaders of Saudi Arabia, Syria, and Jordan, join Egypt in declaring their recognition of Israel, all the other issues that divide them from Israel could be bridged.

It therefore would be a mistake to use the foreign assistance we are providing to Israel as a club on the larger diplomatic and political issues in the region. Israel is a touchstone of United States national security interests in the Middle East. This was true before the war against Iraq. It is even more true after the war.

It would also be a mistake to assist any government—directly or indirectly—that threatens to wage war on the State of Israel or that engages in repression and destabilization in the Middle East region. Clearly, Hafez al Assad's regime in Syria is as dangerous and reprehensible as the regime of Saddam Hussein. President Assad and his Baathist rulers engage in human rights violations, including torture; suppress freedom of speech; and harbor groups responsible for international terrorism. Moreover, the recent agreement between Syria and Lebanon signals Assad's continuing desire to expand his sphere of influence—and reign of brutality—in the Middle East.

The foreign aid authorization bill continues important restrictions on United States assistance to Syria. This legislation stipulates that no assistance may be provided to Syria until the President certifies to Congress that Syria has demonstrated its willingness to enter into direct negotiations with Israel, is no longer acquiring chemical, biological, and nuclear weapons, is respecting internationally accepted human rights, and is no longer harboring terrorist organizations. All of these conditions must be met to insure that the United States does not assist the cause of another rogue dictator like Saddam Hussein.

A number of my colleagues and I pursued legislation to cut off the sale of munitions to Saddam Hussein long before his invasion of Kuwait. Unfortunately, however, this administration ignored calls from Congress and continued to court Saddam Hussein—notwithstanding his abhorrent human rights record and threats to burn half of Israel—for uncertain geopolitical reasons. That mistake must not be made again. Shockingly, however, this administration seems to be on a similar course by courting Hafez al Assad.

Lastly, Mr. Chairman, the legislation before us would establish an important new initiative for restraining arms sales and transfers to the nations of the Middle East and the Persian Gulf region. A painful but certain lesson of the gulf war is that our many years of shortsighted arms control policies helped create the monster that we committed a half million Americans to contain. It is clearly evident that the United States and our allies supplied Iraq with the weapons which it used against our Armed Forces.

Now that the war is over, it should not be U.S. policy to reload all of the guns in the region. Incredibly, Secretary Cheney in his recent trips to the Middle East has begun to promise more arms sales as chits to our partners in the allied effort. We must not return to the arms business as usual. If we, the Europeans, and the Soviets can agree to stop major weapons sales to the region, and exercise restraint on other arms suppliers, then we can slow, if not stop, the arms spiral. Not only should we focus on weapons of mass destruction, but we should also seek to limit conventional weaponry.

Mr. Chairman, I strongly urge passage of H.R. 2508, the foreign assistance authorization bill.

Mr. SCHUMER. Mr. Chairman, I rise to oppose the Bryant amendment. It sounds clever enough. If you don't like the settlements, take the amount that Israel spent on them, even though it wasn't our aid money they spent on them, and take it out of their foreign aid. Show them who's boss.

This approach to foreign policy is patronizing and insulting to Israel, an ally who has always stood by us, especially during the painful experiences she had in the gulf war. The settlement policy divides some of us in Congress and, indeed, it divides Israelis as well. But nothing unites the Israeli people more than the sentiment that their domestic policy must not be dictated to them by other nations.

This amendment would not send a message to the Israeli people that their policy should be changed. It would instead signal to them that, when the chips are down, they stand alone in the world, surrounded by a sea of enemies. It is that sinking feeling among the Israeli people, that justified feeling of insecurity, that would ultimately undermine the peace process. Instead, we need to let Israel know, and let her enemies know, that we stand fully behind her. We cannot let Israel's enemies believe that they have driven a wedge between America and Israel; that, after all, has been their strategy all along.

Some of my colleagues in this body disagree with the settlement policy, and I acknowledge that. But they must acknowledge that Prime Minister Shamir has stated that the settlements will be a subject of negotiation in a peace conference.

And let's look at history on this matter. Under the Camp David Accords, Israel was willing to give up settlements in the Sinai, and it was Gen. Ariel Sharon himself who ordered his Army to evict the settlers in that area. Conversely, the absence of settlements prior to 1967, and the scarcity of them up to 1977, never brought the Arab nations closer to peace. Throughout history, the Arab nations have maintained a state of war against Israel.

Some of my colleagues may have been disturbed that settlements continued while Secretary Baker traveled to the Middle East. We all know that he was. But it's hard to believe that a handful of settlements were the greatest barrier to peace, the biggest thorn in Baker's side as he tried vainly to move the peace process forward. How does it compare to Saudi Arabia dropping out of the conference? How does it compare to a hundred new companies being added to the Arab blacklist in the boycott of Israel? Mr. Speaker, there are many obstacles to peace in the Middle East. Let's work in a constructive manner to overcome all of them, rather than trying to manage one with an amendment to the foreign aid bill. This is not the time or the place for the Bryant amendment, and I urge its defeat.

Ms. MOLINARI. Mr. Chairman, I rise in opposition to the Bryant amendment. I oppose the gentleman's amendment because it is a backhanded slap at our strongest ally in the Middle East, and does nothing to advance the cause of peace in the region. In fact if the Bryant amendment were to pass this body it would dramatically hinder the quest for peace, and leave Israel highly vulnerable in the delicate balance of Middle East diplomacy.

The Bryant amendment is just a means of stripping crucial aid from the only democratic country in the region. It sends no new message, except to undermine Israel's position in potential negotiations. The United States has been crystal clear in its opposition to settlements in the territories, and indeed no U.S. money goes to these settlements.

During Israel's first 30 years of history there were no such settlements, there were also no successful peace negotiations between Israel and her eastern neighbors. Now, there may actually be modest hope that all sides can come to the bargaining table, yet these settlements are being portrayed as the major road block to peace.

My colleagues, we are all frustrated at the glacial pace of the peace process, but we should not penalize our natural ally just because we have no leverage with countries like Syria and Jordan. The gentleman's concern with the difficulties in this region of the world are understood, but this is not the way to pave the way for peace. I urge opposition to the Bryant amendment.

Mr. CHANDLER. Mr. Chairman, I rise in opposition to the Bryant amendment.

The Bryant amendment will not further the peace process in the Middle East. Rather, this amendment will single out and damage a friend and ally of the United States.

I visited Israel twice this year and it became clear to me that Israel faces two ongoing threats to its security. First, Israel is threatened by its Arab neighbors. Most Arab nations maintain a state of war against Israel and enforce a trade embargo. Even a U.S. Air Force jet carrying Members of Congress cannot fly directly from Saudi Arabia to Tel Aviv.

Second, Israel is threatened from within by Palestinians, many of whom terrorize Israeli citizens.

The Bryant amendment completely ignores the complexity of the Middle East. When Arab countries refuse to recognize Israel's right to exist, how can there be peace? When Arab countries refuse to trade with Israel or suspend the state of war that exists, how can we blame Israel for the failure of peace negotiations? When Jordan supports Iraq in the Persian Gulf war, how can we assume that Jordan will work to secure the Jordanian-Israeli border? And why would we assume that Syria is not a continuing security threat when Damascus takes delivery of Scud missiles from Korea at the end of the Persian Gulf war? Where is the amendment that recognizes the reality of Middle East instability? Why does the Bryant amendment only single out Israel?

I visited Israel only a few days after the end of Operation Desert Storm. Our friends in Israel were on the front line throughout the war, enduring 39 Scud missile attacks which killed

16 people, wounded 300, and damaged 9,000 housing units. Yet, at the request of the United States, Israel demonstrated incredible restraint to keep the U.N. coalition together. Israel remained steadfast to our cause throughout Operation Desert Storm. They deserve a steadfast ally in return.

The United States must take a constructive and important role in achieving a Middle East peace. Essential to this role is ensuring that Israel is not alone in a hostile world.

Vote against the Bryant amendment.

Mr. OWENS of Utah. Mr.Chairman, I rise in strong opposition to the Bryant amendment. We in this Congress are all agreed, I think, in our serious concern about the impact of continued settlement activity on the search for peace. I hold the view without reservation that settlement activity is one of the obstacle to the peace process.

Unfortunately, the question raised by this amendment is not whether to condone or condemn settlement activity. Rather, it is on the method that we choose to seek an end to settlements. More importantly, it is on whether the means suggested by the gentleman from Texas will move the Middle East closer toward, or further away from, peace.

Settlement activity, like the Arab boycott and the refusal to recognize Israel's right to exist, is a symptom of a much greater and more complex problem. We err grievously today if we think that this single issue can be treated in a vacuum, without impact on the larger political picture.

Well intended as my friend from Texas is, the amendment's enactment will strengthen, not weaken, the hand of settlement advocates of conciliation and compromise.

We would do well to recognize that settlement is not a negotiable position for the governing party in Israel. Like it or not, its ideology forms the very bedrock of the Likud. Neither this amendment nor any like it will change this simple fact.

However, as with any democracy, Israel's Government is responsible to its electorate. Only the voters can change the fundamental direction of that Government. Those who argue that the United States can achieve this with a meat ax will meet with failure. And as a consequence, they will damage the United States-Israel relationship and the prospects for a meaningful peace process as well.

This measure speaks volumes to the Israeli electorate. It says that foreign aid is a bludgeon. Regardless of this specific amount, $82.5 million, it says that this country's commitment is Israel's security falls short of ironclad. It says that in the end, Israel cannot count on the United States for foreign assistance, which is so important to its survival. The Bryant amendment, therefore, plays right into the hands of the hardliners who believe that Israeli sovereignty over the entire West Bank is more important than a process leading to peace with secure and defensible borders.

Mr. Chairman, the United States must never use foreign aid as a bludgeon. Never. Our commitment must be absolutely assured. Only then can the people of Israel, who have good reason to fear for their survival, take a calculated risk for a lasting peace.

Mr. SCHEUER. Mr. Chairman, I rise in strong opposition to the Bryant amendment. I believe it is misguided and miscalculated.

Misguided because Israeli settlements of the disputed territories are not as the Secretary of State said, "the biggest obstacle to peace in the Middle East." Rather they are an impetus to peace, providing another reason for the Arabs to come to the peace table.

As long as the Arab States remain in a state of war with Israel, threatening her with annihilation, Israel will legitimately feel the need to augment her defenses. And settlements are a key component of Israel's defenses.

The proper forum to interrupt Israeli settlements is not here in the United States Congress, it is not in the State Department, and it is not in the White House. The proper forum is in face-to-face negotiations between Israel and her Arab neighbors.

Negotiating away differences is what the peace process is about.

This amendment is miscalculated because it will not further the peace process. It is absurd to think that the Arabs would come to the peace table, when they know they can get what they want through U.S. pressure.

And Israeli concession on settlement policy would not encourage the peace process, it would discourage it. If this amendment passes, the Arabs will have succeeded in driving a wedge between the United States and its special ally, Israel.

This amendment would not accomplish its goal of halting settlements. Rather it would insult Israel by intruding on another democracy's sovereignty.

Mr. Chairman, the biggest obstable to peace is Arab dogmatic intransigence. The ball is in the court of the Arab nations, peace has always been within their grasp.

After sending over 500,000 American troops to the Persian Gulf to restore the sovereignty of an Arab country and remove Saddam as a threat to the peace and stability of the region, we would be justified in pressuring the Arab States to seize the opportunity that has always been theirs. We are not justified in pressuring Israel like this.

I urge my colleagues to defeat the Bryant amendment.

Mr. TOWNS. Mr. Chairman, I rise today to urge my colleagues to vote against the Bryant amendment to the foreign assistance authorization bill.

The Bryant amendment would further undermine a seriously compromised peace process, and would gravely weaken the U.S. role in fostering negotiations between the nations at odds in the Mideast.

Despite the conditionality in the Bryant amendment, there is still no indication that U.S. funds are being used in funding West Bank housing resettlements. Our use of the big stick approach is completely inappropriate given Israel's staunch alliance with the United States in recent times.

Please join me in rejecting the Bryant amendment.

Mr. GREEN of New York. Mr. Chairman, I join the vast majority of my colleagues in strongly opposing the Bryant amendment to H.R. 2508, which, if passed, would significantly undermine the peace process in the Middle East.

The Bryant amendment is deeply flawed on a number of points. To begin, the amendment is based on a false premise. No nation today claims sovereignty over either the West Bank or Gaza, and Israel, therefore, is not an occupying power as defined under the Fourth Geneva Convention. Before Israel came into existence, the territory was Britain's, under a League of Nations mandate. Britain relinquished sovereignty when the United Nations passed its partition resolution. Egypt then occupied Gaza, and Jordan the West Bank. Egypt never claimed sovereignty over Gaza. While Jordan claimed sovereignty over the West Bank, only Britain and Pakistan acknowledged it and Jordan ultimately withdrew its claim.

For this and other reasons, U.S. policy would be set on an extremely disturbing path under the Bryant amendment, which seeks to link U.S. aid for Israel to settlement activity. This approach punishes our longstanding ally Israel without taking any action against the real causes of instability in the region—most notably, the military, economic, and political state of war that Arab nations have maintained against Israel since its inception.

Moreover, the United States provides aid to Israel because of the longterm friendship our two nations have enjoyed, and because aid to Israel is in our own Nation's best interests. Secretary of Defense Cheney has said:

> We do not consider our relationship with Israel to flow in only one direction. The U.S. provides aid and assistance to Israel, but we also get national security benefits in return.

History has proven that the presence or absence of settlements does not affect Israel's commitment to making peace with her Arab neighbors. Under the Camp David accords, Israel gave up not only settlements, but also vast oil reserves and strategic air bases. Conversely, the absence of settlements before 1967 did not bring Israel's Arab neighbors to end their state of war with Israel.

In short, we must not forget that the world in which Israel lives continues to present daily dangers. Syria, with a military that surpasses that of Israel in numbers of troops, tanks, and artillery, continues to modernize and expand its forces. Kuwait and Saudi Arabia, our primary coalition partners in the Persian Gulf war, have so far given no indication of their willingness to end or suspend their economic and political boycott of Israel. Ultimately, Arab government intransigence is the most significant obstacle to peace, and I urge my colleagues to defeat the Bryant amendment.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to a previous order of the House, the vote on the amendment offered by the gentleman from Texas [Mr. BRYANT] will be postponed until after the vote on the amendment offered by the gentleman from Ohio [Mr. KASICH].

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to a previous order of the House, votes will now be taken on those amendments on which recorded votes were ordered postponed.

Votes will be taken in the following order:

The amendment offered by the gentleman from Ohio [Mr. KASICH], as amended; and

The amendment offered by the gentleman from Texas [Mr. BRYANT].

The Chair will reduce to 5 minutes the time for the electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KASICH

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Ohio [Mr. KASICH], as amended, on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 1, answered "present" 1, not voting 9, as follows:

[Roll No. 172]

AYES—421

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Savage

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—9

Fawell
Gray
Hopkins
Levine (CA)
Lloyd
Oberstar
Serrano
Spence
Torricelli

□ 1450

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Pursuant to a previous order of the House, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment, on which the Chair had postponed further proceedings.

AMENDMENT OFFERED BY MR. BRYANT

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Texas [Mr. BRYANT], on which a recorded vote is ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 44, noes 378, answered "present" 1, not voting 9, as follows:

[Roll No. 173]

AYES—44

Abercrombie
Bennett
Bonior
Boucher
Bryant
Carper
Conyers
DeFazio
Dellums
Dickinson
Dingell
Dymally
Ford (MI)
Hansen
Hayes (IL)
Hubbard
Lipinski
Long
Mazzoli
McCloskey
McMillan (NC)
Miller (OH)
Montgomery
Moran
Murphy
Oakar
Pease
Penny
Petri
Poshard
Rahall
Ray
Riggs
Rohrabacher
Roth
Sanders
Savage
Solomon
Stump
Taylor (MS)
Traficant
Vento
Washington
Waters

NOES—378

Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLauro
DeLay
Derrick
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest

Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moorhead
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—9

Fawell
Gray
Hopkins
Levine (CA)
Lloyd
Oberstar
Serrano
Spence
Torricelli

□ 1501

Mr. MORAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KLECZKA

Mr. KLECZKA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. (Mr. MONTGOMERY). The Chair would inquire of the gentleman, is the amendment printed in the RECORD?

Mr. KLECZKA. Yes, Mr. Chairman, the amendment is printed in the RECORD.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KLECZKA: Page 619, strike out line 16, and all that follows through line 10 on page 620 (section 866), and redesignate subsequent sections accordingly.

Mr. KLECZKA (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.

PARLIAMENTARY INQUIRY

Mr. BROOMFIELD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BROOMFIELD. Mr. Chairman, I understand we are now taking up the Kleczka amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. BROOMFIELD. Mr. Chairman, obviously the gentleman from Wisconsin is in favor of his own amendment. Is the gentleman, Mr. ENGEL, in opposition and does he get 5 minutes in opposition to the amendment?

The CHAIRMAN pro tempore. The Chair will ascertain who speaks in opposition to the amendment.

Is the gentleman from New York [Mr. ENGEL] in opposition to this amendment?

Mr. ENGEL. I am, Mr. Chairman, yes.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. KLECZKA] will be recognized for 5 mintues, and the gentleman from New York [Mr. ENGEL] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, my amendment strikes language in the bill concerning the Kosovo region of Yugoslavia, specifically lines 18 through 25, page 619, and lines 1 through 10, page 620, in section 866 of title VIII.

The section I seek to strike is language added in committee by Mr. ENGEL of New York.

The Engel language singles out the Republic of Serbia for its treatment of the Albanian minority in the Kosovo region.

I have four reasons for striking the Engel language: It is biased, it is poorly timed, it contradicts U.S. policy and it defies past House action.

First, the Engel language is biased.

It oversimplifies complex ethnic tensions and takes sides in a conflict that has plagued Yugoslavia for years.

Yugoslavia is a puzzling nation. It emerged from two empires, and it includes eight ethnic groups, four religions, and six republics.

If we discuss the grievances of ethnic Albanians, we must also discuss those of other ethnic groups.

Each group has grievances, but this is not the time or the place to debate each ethnic grievance.

The Engel language takes a dangerous approach to the tension in that nation and is clearly biased toward ethnic Albanians at a time when clear heads and open minds are needed.

Second, the timing of the Engel language is terrible. Its supporters forget that Yugoslavia is on the brink of civil war.

This language condemns one republic in the dispute, and it may be enough to throw the republics into armed conflict.

Such action could spread the spiralling ethinic violence throughout Eastern Europe.

It jeopardizes the tentative accord reached on June 6.

Third, the Engel language contradicts United States policy toward Yugoslavia.

Our policy is to avoid taking sides in the complex ethnic dispute and to encourage democratic progress.

That policy was emphasized when the administration recently reinstated aid, which had been cut off due to human rights concerns.

Similarly, last Friday, the State Department expressed its support for Serbia's restraint during an Albanian demonstration.

Both actions were taken in the spirit of my amendment to be evenhanded and tolerant of all ethnic groups.

Finally, the House rejected language similar to the Engel language last October 23.

On that date, the House overwhelmingly defeated House Concurrent Resolution 385 by a vote of 362–55, because it sent the wrong message.

The Engel language we seek to strike sends that same message. And it is wrong again.

I urge the House to again reject this language.

If the Engel language is not struck, Mrs. BENTLEY will offer an amendment which is pro-Serbian, and further, Mr. KOLTER will offer an amendment which is pro-Croat.

If the Engel language is deleted, they will not proceed with their amendments.

Let's stop the finger-pointing and stick with neutral language supporting democracy and free markets in Yugoslavia, language which is already in the bill.

If my amendment passes, we will send the right message to the people of Yugoslavia.

The right message is that we will not engage in divisive ethnic disputes.

The right message is also that we encourage democratic dialog, inclusion of all ethnic groups, and an end to the violence and political conflict in Yugoslavia.

Mr. Chairman, I urge my colleagues to support my amendment.

Mr. Chairman, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I rise in strong support of the Kleczka amendment to strike language regarding human rights violations in the province of Kosovo in the Republic of Serbia in Yugoslavia.

As you know, current United States official policy is one of steadfastly refraining from taking sides in the complex ethnic disputes that have been rocking Yugoslavia, in order to promote internal stability without bloodshed.

I think earlier debate on this bill has underlined the need for this body to stay neutral regarding its policy toward Yugoslavia.

Yugoslavia is on the brink of a bloody civil war. A week and a half ago leaders from the six republics reached a fragile accord regarding further steps toward a unified Yugoslavia. If this House goes on record favoring specific nationalist groups within Yugoslavia, it could upset this tentative balance between the Republics, and result in civil war.

The House already is on record regarding the situation in Kosovo. The language of section 866 is very similar to that of House Concurrent Resolution 385, a measure that was soundly rejected at the end of the 101st Congress by a vote of 55–362.

I must stress that any language in this bill regarding specific regions in Yugoslavia could have an adverse effect on stability within that country.

In fact President Bush, in a March 1991 letter to Prime Minister Markovic of the Yugoslavian Federation stated:

> It should be absolutely clear that the United States does not and *will not* favor any particular national or ethnic group in Yugoslavia. At the same time, we want to see differences among nationalities resolved within the framework of a single, democratic Yugoslavia and will not encourage or reward those who would break the country apart.

I am not standing here today to deny that human rights violations exist within the Kosovo Province. This is true, but such violations are taking place throughout Yugoslavia, and not just in this one specific area. I quote from an article published in the Washington Post yesterday:

> Croatia * * * has met with relatively little western criticism—even though its record on human rights and economic reform does not measure up to the democratic goals the government set last year.

The ethnic tensions within the country of Yugoslavia are not a good versus evil situation. I quote again from the Washington Post:

> This simplistic view that sees a free, democratic Croatia and a bad barbaric Bolshevik Serbia is a lot of [sic] crap. It affects perceptions around the world and gets played back into the Yugoslav crisis.

With the advent of democracy in Yugoslavia has come a rise in ethnic rivalries that have been suppressed for half a century under Communist rule. These rivalries have existed for hundreds of years, and are inexplicably intertwined with the history of this region in Central Europe.

Serbs, Croats, Slovenes, and other ethnic groups all have bones to pick with each other. But, they are slowly resolving their differences through peaceful, democratic dialog, which not only is the wish of the various leaders in that country, but also is the thrust of U.S. policy within the region.

I quote from a May 24 State Department release:

> We believe that unity, to be preserved, must be put on a new, democratic, mutually agreed basis. This can only be achieved through dialogue and the furtherance of democratic processes.

In addition, I think it should be perfectly clear that a comment on the sensitive and delicate situation in Yugoslavia by the House of Representatives could also seriously undermine the efforts of Secretary of State James Baker, who is visiting that country on Thursday.

The language that Mr. KLECZKA wishes to strike could very easily shatter the tentative balance that the Republics of Yugoslavia have just reached. Now is not the time for a major change in United States policy. We must preserve Yugoslavian stability by retaining our neutral position on the ethnic strife that threatens to tear that country apart.

Vote "yes" on the Kleczka amendment.

Mr. KLECZKA. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman and Members, I spent 2 years living in and working in Yugoslavia. I have no ethnic affinity with any particular group, but I can tell you that this is a very dangerous and unfortunate amendment—rather this language, and that this amendment is a very valuable amendment because it strikes at prejudicial language in the bill which unfortunately was included in the bill.

The bill, as it now reads, would take sides in an explosive situation which is highly complex. It would be much better for us in Congress to return to neutral language, not take sides inside this country, which is already in turmoil, No. 1.

No. 2, the timing of this language in the bill is most unfortunate because this is a very fragile agreement which is holding together there and avoiding the kind of conflict that could erupt at any time.

□ 1510

Mr. Chairman, this would rub salt into that wound and possibly upset that. Congress should not be the cause of increasing tensions inside that fragile coalition of a country.

Finally, Mr. Chairman, this amendment or this language that this amendment would negate, the language in the bill, contradicts U.S. policy. U.S. policy is to avoid doing anything which would drive that country apart and break it into pieces. U.S. policy is still to try to hold the country together. We have many reasons to do that.

So, the Congress should not be taking sides, should not be rubbing salt in those wounds and should not be choosing this moment, of all moments, to do that.

Mr. Chairman, I would urge that my colleagues vote aye on the amendment of the gentleman from Wisconsin [Mr. KLECZKA] and return the language of the bill back to neutrality, which is where it should be.

Mr. ENGEL. Mr. Chairman, I rise to strongly oppose the amendment of the gentleman from Wisconsin [Mr. KLECZKA].

Mr. Chairman, the gentleman from Wisconsin would have us believe that the committee language takes sides in an ethnic dispute involving Yugoslavia. That is not the case at all. This has nothing whatsoever to do with the struggle to keep Yugoslavia together, nor with taking sides. The committee language simply talks about human rights.

Mr. Chairman, let me read what we are talking about and what the amendment of the gentleman from Wisconsin [Mr. KLECZKA] attempts to remove from the bill. The bill now says that ethnic Albanians should not be discriminated against because of their ethnicity, that the people of Kosovo Province should retain their autonomous status in Yugoslavia. The people of Kosovo Province should be allowed to hold free and fair elections for the assembly of Kosovo Province and, finally, that leaders in Yugoslavia should resolve their differences through negotiations and should not under any circumstances resort to violence or repression.

Is this excessive language? I think not.

I might also point out that the entire committee, the Committee on Foreign Affairs and the Europe and the Middle East Subcommittee, unanimously approved the language in the bill that the gentleman from Wisconsin [Mr. KLECZ-

KA] is now attempting to take out. So, rather than this being radical language, this is very, very moderate language, and, despite what the gentleman from Wisconsin says, this has nothing to do, is not at all similar, to the language that the House voted on last year. The language which the House voted on last year was similar to the Dole and Nickles language in the Senate. This simply talks about human rights abuses.

Th Government of Serbia, my colleagues, is the last Stalinist, hard-line, Communist government on the continent of Europe. Let us not paper over their human rights abuses. As Communist governments are falling time and time again all over the world, what the gentleman from Wisconsin [Mr. KLECZKA] would do is simply say, "Let's forget about the human rights abuses that the Stalinist government has perpetrated, and let's sort of pretend that we're taking sides in an ethnic dispute."

Mr. Chairman, we are saying that we are for human rights. That is what the entire Committee on Foreign Affairs is saying, that is what the Europe and Middle East Subcommittee is saying, and this Congress at this time in the world ought to stand on the side of human rights.

Oppose the amendment of the gentleman from Wisconsin. Support the committee language.

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

Mr. ENGEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I strongly oppose the Kleczka amendment that would strike out an important section in this bill concerning human rights problems in the Province of Kosovo in Serbia.

This section of the bill regarding Kosovo was added during committee consideration of this issue and has bipartisan support. This section was retained because it is important to speak out on this serious human rights issue.

The language that Congressman KLECZKA's amendment would strike merely expresses the sense of the Congress about the human rights situation in Kosovo. I quote:

> Ethnic Albanians living in the Republic of Serbia and in other parts of Yugoslavia should not be discriminated against because of their ethnicity.

It also says that Kosovo should retain its autonomous status, and that problems there should be resolved through negotiations.

When people around the world talk about the current human rights problems in Europe, Kosovo is what they talk about. By any measure, the human rights problems there are far more numerous and serious than in any other region in that country.

We will do a disservice to this institution by ignoring the human rights situation in that troubled province. If we speak out honestly about human rights violations in South Africa and Central America, why not talk about Yugoslavia? Current law is replete with references to human rights violations around the world. Why eliminate this fair and balanced language?

The facts speak for themselves about Kosovo. The Department of State's "Country Reports On Human Rights Practices for 1990," documents the tragic situation in Kosovo by saying:

> In the province of Kosovo, Serbian authorities continued and intensified repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals, and widespread police violence against ethnic Albanians. This violence included the use of excessive force . . . including random and . . . unprovoked shooting by police, resulting in at least 30 deaths and hundreds of injured.

Amnesty International's report for last year also paints a clear picture of the brutal treatment of the population in that province. According to the report, an ethnic Albanian political detainee was arrested and held in isolation without charge or trial. After being questioned by a doctor as to the state of his health, he was beaten by prison staff and officers. Unfortunately, this is not an isolated incident there.

In May, Secretary of State Baker wrote to me and expressed his "grave concern about continuing human rights violations by the Republic of Serbia in Kosovo." In our Government's official policy statement concerning that country, he said:

> Human rights abuses by the Serbian authorities against the majority Albanian population in Kosovo have continued thus far in 1991. Albanians are arrested, beaten, and otherwise harassed for attempting to exercise basic human rights, such as freedom of speech and assembly. Principal government organs remain shut down and most government functions have been taken over by Serbs appointed from Belgrade.

This week, the Conference on Security and Cooperation in Europe [CSCE] will discuss the problems of Yugoslavia and will review, I am sure, the human rights situation there. Secretary Baker will attend that meeting and will then visit Yugoslavia, where, I am sure, he will raise the human rights issue. We too should do our part to improve the human rights situation in that country. We should act responsibly and raise this issue by retaining the current language in this legislation.

Today, Kosovo is a political and human rights nightmare. It is time for us to face the facts about Yugoslavia. Credible human rights organizations, and our own Secretary of State have given Congress the facts. It is important that we keep this language that tells the truth about the sad story of Kosovo. I urge my colleagues to oppose the Kleczka amendment.

THE SECRETARY OF STATE,
Washington, DC, May 24, 1991.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives.

DEAR BILL: I am writing to advise you of several steps we are taking to express our grave concern about continuing human rights violations by the Republic of Serbia in the Autonomous Province of Kosovo. Efforts by the government of Serbia block the orderly transfer of constitutional authority within the Yugoslav Presidency, and rising ethnic tensions that threaten Yogoslavia's transition to democracy and free markets.

The United States will issue a statement criticizing the Serbian leadership both for its human rights violations in Kosovo and its current efforts to overthrow the constitution; invoke Step Two of the CSCE Human Dimension Mechanism in Yugoslavia with regard to Serbian human rights violations, and urge other CSCE members to follow suit; and not support new OPIC projects in the Serbian Republic.

The intent of these measures is to underscore the danger of international isolation faced by those in Yugoslavia who would resort to repression, violence and unconstitutional means to achieve their political aims. We intend to review the above measures in light of the future progress of Yugoslavia and its constituent republics toward full respect for CSCE principles, both with respect to human rights and to the peaceful and democratic settlement of disputes.

The human rights situation in Kosovo must be an integral part of the peaceful and democratic resolution of the Yugoslav crisis. We believe that coordinated approaches to this problem among CSCE members will be mutually reinforcing, as have been our recent parallel demarches with the European Community in opposition to the use of force and in favor of a democratic, unified Yugoslavia achieved through dialogue. We also see continued pressure through the CSCE Human Dimensions Mechanism process as a particularly effective way to bring home to Yugoslav and Serbian authorities the depth and breadth of international concern about the Kosovo situation.

In light of serious flaws in the electoral process in the Republic of Serbia, I have invoked the certification mechanism of Section 599A of the Foreign Operations, Export Financing, and Related Programs Act, 1991. Certification signals our deep concern about the degree of commitment of the present Serbian leadership to the democratic political process, while allowing for continued U.S. support for Yugoslav economic reform on a selective basis, both through the IMF and World Bank and through bilateral technical assistance designed to support those at the federal and republic levels who are committed to market reform. The Department will forward this certification to the Congress under separate cover.

We have also followed up on the intensive diplomatic exchanges we have been having both in Yugoslavia and with our friends and allies with regard to the ongoing crisis in Yugoslavia, with demarches relating to the recent efforts by the Serbian government to block the orderly transfer of constitutional authority in the country.

We have made it clear to Yugoslav and Serbian authorities that resorting to violence and repression, and parallel efforts to block the constitutional transfer of authority, are inconsistent with democratic principles and raise grave risks of disintegration and internal conflicts.

It is our hope that our efforts, in parallel with those of the European Community and

other CSCE members, will constitute a clear message of opposition to the use of repression, violence and unconstitutional means to block democratic change or undermine the process of dialogue in Yugoslavia. As the President recently wrote to the Prime Minister of Yugoslavia, Europe has experienced breathtaking change over the past few years. It would be a tragedy if Yugoslavia failed to grasp the possibilities of this moment in history to establish a new basis for democratic unity, and to join in the development of a Europe whole and free.

Sincerely yours,

JAMES A. BAKER III.

U.S. POLICY TOWARD YUGOSLAVIA

The provisions of the Nickles-Bentley Amendment, which entered into effect on May 5, establish certain conditions for U.S. assistance to Yugoslavia as well as discretionary waiver authority for the Administration in implementing the Amendment. The Administration has examined its response to the provisions of the Nickles-Bentley Amendment against the background of the ongoing and still intensifying crisis in Yugoslavia.

U.S. policy toward Yugoslavia is based on support for the interrelated objectives of democracy, dialogue, human rights, market reform, and unity.

By democracy we mean that all citizens of Yugoslavia should enjoy democratic rights and civil liberities, and be able to represent themselves through free and fair elections.

By dialogue we mean that disputes between republics, ethnic groups, or individuals should be resolved only through peaceful means. We would be strongly opposed to any use of force or intimidation to settle political differences, change external or internal borders, block democratic change, or impose a nondemocratic unity.

By human rights, we mean the standards of behavior laid down in international commitments to which Yugoslavia is a party, including the Helsinki Final Act and subsequent CSCE documents. We attach particular importance to the provisions relating to the treatment of members of minorities.

By market reforms, we mean that we support Yugoslavia's transition to a full market economy, open to private ownership and investment.

By unity we mean the territorial integrity of Yugoslavia within its present borders. We believe that the ethnic heterogeneity of most Yugoslav republics means that any dissolution of Yugoslavia is likely to exacerbate rather than resolve ethnic tensions.

We believe that unity, to be preserved, must be put on a new, democratic, mutually agreed basis. This can only be achieved through dialogue and the furtherance of democratic processes.

The United States will not encourage or reward secession; it will resepct any framework, federal, confederal, or other, on which the people of Yugoslavia peacefully and democratically decide. We firmly believe that Yugoslavia's external or internal borders should not be changed unless by peaceful consensual means.

Whether or not these five objectives are realized in Yugoslavia depends primarily on the people of Yugoslavia and their leaders at the republic and federal levels. The key factor in their ability to do so is the consolidation of peaceful, democratic dialogue as the mechanism for addressing their differences.

The consolidation of peaceful, democratic dialogue has therefore been the main thrust of U.S. bilateral and multilateral diplomacy over the past year, along with support for a democratic, unified Yugoslavia that fully respects human rights and that addresses the difficult decisions involved in market reform.

Over this period, Yugoslavia as a whole has made significant progress toward observance of CSCE principles, and the Yugoslav people and their leaders have preserved a commitment to dialogue under increasingly difficult circumstances.

However, progress toward a democratic, unified Yugoslavia achieved through dialogue has been increasingly threatened by a rise in ethnic tensions that threatens to reverse Yugoslavia's transition to democracy and free markets.

The United States strongly supports timely completion of the transfer of constitutional authority by the normal Presidential rotation to Stipe Mesic.

The Serbian leadership's efforts to block the constitutional transfer of authority within the collective Yugoslav Presidency are inconsistent with democratic principles and threaten disintegration and civil conflict.

Yugoslav Prime Minister Markovic and Stipe Mesic have sought to resolve this impasse constitutionally. Their efforts are critical to the continuity of Yugoslav federal authority and to further all-Yugoslav democratic and market reform.

The United States supports these efforts, and will continue to press strongly, both bilaterally and in parallel with others in the international community, for a constitutional transfer of authority in the Yugoslav Presidency.

We hold the leadership of the Serbian Republic responsible for the crisis in the Yugoslav Presidency, which can only be interpreted as a deliberate effort to exacerbate the political situation and raise the odds of disintegration and violence.

The conduct of the leadership of the Serbian Republic, both with respect to elections and to human rights, has also been in contrast to Yugoslavia's overall progress toward CSCE principles, in the context of the Nickles-Bentley Amendment.

We believe there have been serious flaws in the electoral process in the Serbian Republic.

Although the December 1990 election was a significant improvement over any held in Serbia in over 50 years, the electoral campaign was characterized by severe imbalances between access to the media and access to official sources of funding for the ruling and opposition parties. Republican authorities exhausted public resources to ameliorate the economic situation during the campaign, and subsequently made an illegal incursion into the Yugoslav monetary supply estimated at $1.8 billion to compensate for those expenditures. Republican authorities have also sought to perpetuate their control over the media in the aftermath of the election, making only grudging concessions to massive protests in favor of a free flow of information.

The holding of free and fair elections, like the free flow of information, is a measure of a government's commitment to a democratic political process; we do not believe that the present Serbian leadership has fully demonstrated such a commitment.

We assess the violations of human rights by Serbian authorities in Kosovo Province as extremely grave. There is a deteriorating cycle of action and reaction in the context of a fundamental political conflict between Serbs and ethnic Albanians. Basing its claim to Kosovo primarily on historical grounds, Serbia is seeking to reestablish its control over Kosovo through repressive means which clearly violate CSCE principles. The majority ethnic Albanian population in Kosovo bases its claim to autonomy within the province on ethnic grounds, and, in the face of Serbian repression, has escalated its demands since mid-1990 to insist on republican status separate from Serbia.

In the province of Kosovo, Serbian authorities continued and intensified repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals, and widespread police violence against ethnic Albanians. This violence included the use of excessive force by the police to disperse peaceful demonstrators, including random and at times unprovoked shootings by the police, resulting in at least 30 deaths and hundreds of injured.

Human rights abuses by the Serbian authorities against the majority Albanian population in Kosovo have continued thus far in 1991. Albanians are arrested. beaten, and otherwise harassed for attempting to exercise basic human rights, such as freedom of speech and assembly. Principal provincial government organs remain shut down and most government functions have been taken over by Serbs appointed from Belgrade. Albanian media organs remain closed, persons attempting to bring in Albanian language publications printed outside Kosovo are sometimes harassed. Many Albanian-language schools in Kosovo have been closed because of a refusal by teachers and pupils to use a new curriculum imposed by Serbia, and Serbian administrators almost completely dominate the Pristina University Rectorate and some individual faculties, and many ethnic Albanian professors have been fired or driven out.

The ability of ethnic Albanians in Kosovo to pursue their interests through the political process has been further curtailed by the Serbian government's abolition of the Presidency and Executive Council of Kosovo Province and by its replacement of Kosovo Province's representative on the federal Presidency.

Meanwhile, official Serbian arguments that Serbian policies in Kosovo are directed only against ethnic Albanian separatism from Serbia (and potentially from Yugoslavia to join neighboring Albania) have become to some extent a self-fulfilling prophecy: ethnic Albanians and their leaders in Kosovo have grown increasingly insistent on achieving a Republic separate from Serbia, and have boycotted opportunities, like the Serbian elections in December 1990, to participate in the Serbian political process.

There is also some concern in 1991 about human rights abuses in the Republic of Croatia. Serbian activists there have asserted that significant numbers of Serbs (some 11 percent of the Republic's population) have been fired from official positions in republican organs, especially the police, and from some public sector enterprises, solely on ethnic grounds.

Serbs also assert that they are sometimes subject to arrest, physical attacks, or other harassment by Croatian authorities. Serbian citizens of Croatia are also concerned at the prospect that Croatia might secede from Yugoslavia, thus cutting them off from their current country and Serbia against their will.

The situation in Croatia, however, is complicated by the existence of Serbian nationalist leaders who are attempting, including

by use of armed force, to separate parts of Croatia from republican authority, and who have rejected repeated and unconditional offers of dialogue by Croatian authorities. There are also widespread reports that Croats living in Serbian-inhabited parts of Croatia are subject to arrest, attacks, and harassment by Serbs.

We support the principles that underlie the Nickles-Bentley Amendment, and aim to ensure that our assistance is closely tied to democratic and market reform and respect for human rights. In considering the implementation of this Amendment, however, we need to be careful not to hit the wrong target.

For this reason, the Administration has decided to take the following steps: (i) the Secretary of State has invoked the certification mechanism of the Nickles-Bentley Amendment; (ii) the U.S. will resume assistance to Yugoslavia on a selective basis; and (iii) the U.S. will invoke Step Two of the CSCE Human Dimensions Mechanism with regard to human rights violations in Serbia, and urge other CSCE members to follow suit; in addition, due to underwriting concerns relating to human rights and other problems in the Serbian Republic, OPIC will suspend assistance to new U.S. investments in the Serbian Republic.

Mr. ENGEL. Mr. Chairman, I just want to quote what our own U.S. State Department's 1990 annual report on human rights in Kosovo says.

In the province of Kosovo, Serbian authorities continued and intensified repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals and widespread police violence against ethnic Albanians. This violence included the use of excessive force by the police to disperse peaceful demonstrators.

Human Rights Watch says that in 1990 security forces of the Serbian Government attacked ethnic Albanian villages in apparent attempts at intimidation. The Serbian Government suspended the Kosovo Parliament and other institutions of government in which ethnic Albanians participated, shut down for extended periods the main ethnic Albanian daily paper and took all Albanian-language programming off radio and television.

Mr. Chairman, I urge my colleagues again to stand up for human rights. Let us not tolerate human rights abuses in the last Stalinist bastion in Europe.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLECZKA].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 127, answered "present" 1, not voting 15, as follows.

[Roll No. 174]

AYES—289

Abercrombie
Alexander
Allard
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barton
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray
Guarini
Gunderson
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hobson
Hochbrueckner
Holloway
Horn
Hubbard
Hughes
Hunter
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
LaFalce
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (GA)
Lightfoot
Long
Lowey (NY)
Luken
Machtley
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Oxley
Packard
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Ridge
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (OR)
Solomon
Spratt
Staggers
Stallings
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Young (AK)

NOES—127

Ackerman
Anderson
Andrews (NJ)
Archer
Armey
Ballenger
Barrett
Boehner
Bonior
Broomfield
Bunning
Camp
Campbell (CA)
Chandler
Coble
Coleman (MO)
Combest
Cox (CA)
Dicks
Dingell
Doolittle
Dreier
Duncan
Edwards (OK)
Engel
Fascell
Fields
Fish
Flake
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gaydos
Geren
Gillmor
Gilman
Gingrich
Glickman
Goss
Green
Hall (OH)
Hammerschmidt
Hancock
Hastert
Hefley
Henry
Herger
Hoagland
Horton
Houghton
Hoyer
Hyde
Inhofe
Ireland
Johnson (CT)
Jones (GA)
Kanjorski
Kennedy
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
Leach
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lowery (CA)
Manton
McCandless
McCollum
McDade
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murtha
Nichols
Orton
Owens (UT)
Parker
Paxon
Porter
Price
Pursell
Ramstad
Regula
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schumer
Sensenbrenner
Shaw
Shays
Slattery
Smith (NJ)
Smith (TX)
Snowe
Solarz
Stark
Stearns
Swett
Tanner
Thomas (CA)
Towns
Upton
Walker
Weber
Weiss
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—15

Fawell
Gibbons
Hopkins
Huckaby
Lehman (FL)
Levine (CA)
Lloyd
Oberstar
Owens (NY)
Serrano
Spence
Torricelli
Traxler
Valentine
Waxman

□ 1540

Messrs. BONIOR, SAXTON, HOYER, OWENS of Utah, and GLICKMAN changed their vote from "aye" to "no."

Mr. McMILLEN of Maryland and Mr. McEWEN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KOLTER

Mr. KOLTER. Mr. Chairman, I offer an amendment.

The Chairman pro tempore (Mr. McDERMOTT). Is the amendment printed in the RECORD?

Mr. KOLTER. Yes, it is, Mr. Chairman.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLTER: Page 619, after line 15, insert:

SEC. . ETHNIC MINORITIES IN YUGOSLAVIA.

It is the sense of Congress that—

(1) ethnic minorities living in the Republic of Croatia, Serbia, and in other parts of Yugoslavia should not be discriminated

against because of their ethnicity or religion;

(2) ethnic minorities in the Republics of Croatia, Serbia, and other republics of Yugoslavia should retain their full ethnic, linguistic, religious, civil, and political rights, and the respective governments of the republics should take the necessary steps to ensure these rights; and

(3) political and national leaders of Yugoslavia should resolve their political and economic problems through negotiations and peaceful dialogue as equal partners and should not, under any circumstances, resort to violence, repression, or military force.

Mr. KOLTER (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. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. KOLTER. I yield to the gentleman from Florida, chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for furnishing us a copy of his amendment, which was printed in the RECORD. We think it is a good amendment because it applies to all minorities, as I understand it. Is that the gentleman's intent?

Mr. KOLTER. That is precisely correct. It offers the same benefit for every society, every member, every member of the Yugoslavian Government, whether it be Slovenian, Croatian, Serbian, or whatever.

Mr. FASCELL. I think that is an excellent policy position to have and on this side we are delighted to accept the amendment.

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

Mr. KOLTER. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I also would like to join Chairman FASCELL in complimenting the gentleman on drafting this resolution. I think it is an amendment that everybody can support and on this side we certainly accept it.

Mr. Chairman, this amendment is a step in the right direction and it deserves our support.

This amendment, however, fails to include the detailed language concerning the situation in Kosovo that our committee included during our markup of the bill.

When human rights violations are talked about in Europe and the United States, the name Kosovo is always raised. Our Government, international human rights groups, and our European allies are aware of the serious human rights and political problems there. By not including the committee's language, we are ignoring some facts and basic truths about that long-suffering Province. The language in the bill merely says that the ethnic Albanians living in Kosovo should not be discriminated against. It further adds that the Province of Kosovo should retain its autonomous status and that the problems of Yugoslavia should be resolved through negotiations.

None of this language is offensive, in my judgment. It accurately reflects what is happening in Kosovo today. It should be included in the bill. We in this great institution should take a stand. We should stand with the forces of democracy in Yugoslavia, or stand with those who believe that human rights violations and political repression are acceptable.

Mrs. BENTLEY. Mr. Chairman, will the gentleman yield?

Mr. KOLTER. I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Chairman, I rise in support of the amendment of the gentleman from Pennsylvania, which covers all Republics and all ethnic minorities in Yugoslavia.

We all concede there are human rights violations throughout the federation. This amendment urges peaceful resolution of all in Serbia, Croatia, and elsewhere. It is vital that this take place. I command Mr. KOLTER for this amendment and I was happy to work on it with him.

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

Mr. KOLTER. I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I would also like to commend the gentleman on his amendment. It strikes just the right note. Unlike the previous amendment, which singled out a single area of the country, this amendment asks for equal human rights for all people and all regions. I think that is exactly the way this body should go, and I commend the gentleman for his amendment.

Mr. KOLTER. Mr. Chairman, I am pleased that there is unanimity of thought on this amendment.

I ask my colleagues to join me in support of my amendment which is offered here today in the interest of fairness to all ethnic groups in Yugoslavia.

I believe the human rights of all Yugoslavians should be protected and assured regardless of ethnic background, religious or political implications. Basic rights and responsibilities should be encouraged and supported for these people who are making magnificent and courageous strides toward democracy and freedom. These brave people deserve our response here today which confirms their inalienable right to self-determined human dignities.

There are positive changes taking place in Yugoslavia. Our commitment through my amendment has a clear and distinct relevance to the democratization which those in Yugoslavia have a right to be involved in today regardless of ethnic, religious, or political persuasions. There is much tension surrounding those pursuits.

My amendment should not result in creating more tension in Yugoslavia but in relieving those tensions. I ask you to support this amendment which will create a fair playing field for all of the young democratic governments who are struggling to be born in Yugoslavia.

There is a grave danger to the people in Yugoslavia. Their economy is weakening and power structures are gridlocked. Putting aside differences today will help prevent Yugoslavians from a catastrophic future.

This sense-of-Congress amendment gives those living in Serbia, Croatia, Macedonia, Slovenia, Montenegro, Bosnia-Herzegovina, and all Yugoslavian Republics the human rights which are their legacy as citizens of fledgling democracies. Vote for the Kolter amendment. This is a vote for equal treatment and respect for every person in Yugoslavia. If we fail to support this amendment we will jeopardize opportunities for a new peaceful existence for the people of Yugoslavia.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KOLTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD?

Mr. KYL. Yes, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. KYL: Page 622, insert the following after line 5:

SEC. 869. LIMITATIONS ON ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) the long term national security of the United States, and of the peoples of the Soviet Union, would benefit greatly from the transformation of the Soviet Union to a fully democratic nation based on the principles of government by the people, respect for individual rights, and free market economic opportunity; and

(2) assistance provided by the United States to the Soviet Union should promote rather than retard this transformation.

(b) CERTIFICATION.—During fiscal year 1992 and fiscal year 1993, assistance may not be provided to the Soviet Union under the Foreign Assistance Act of 1961 unless the President certifies in a report to the Congress that the following conditions have been met:

(1) That the Government of the Soviet Union has taken meaningful steps toward observing human rights for all citizens, including the following:

(A) The Soviet Government has ceased its interference with the freedom of the press in the Baltic states and the republics.

(B) The Soviet Government has ceased the threat and use of force against democratic movements.

(C) The Soviet Government has entered into meaningful negotiations with leaders of the Baltic states and the republics to ensure a smooth transition to self-determination.

(D) The people of the Soviet Union have been empowered to elect in genuinely free, fair, and open elections the government that rules them.

(E) The Soviet Government has not only codified but honors in practice the right of its citizens to leave the Soviet Union and to move freely within its borders, consistent with international standards.

(F) The Soviet Government compels no republic or historically recognized nationality group with a history of self-determination to remain part of the Soviet Union involuntarily, and fully respects the right of self-determination stipulated in the Universal Declaration of Human Rights, to which the Soviet Union is a party.

(G) The Soviet Government has withdrawn the authorization issued by Valentin Pavlov,

the prime minister, permitting the police and the KGB to raid the offices of joint ventures involving nationals of western European countries and the United States, in violation of their civil rights;

(2) That the threat to the United States from the armed forces of the Soviet Union has been reduced, including—

(A) that the Soviet Union—

(i) has adopted a defense budget which will draw down the percentage of its gross national product that is allocated for military purposes to levels approximately those of the United States, and

(ii) is beginning to implement this defense budget; and

(B) that the Soviet Union has terminated the modernization of its strategic forces.

(3) That the Soviet Union is no longer engaged in acts of subversion, or of support for international terrorism, that are directed at the United States or its allies.

(4) That the Soviet Union no longer provides assistance in the form of arms sales, military assistance, or any kind of grant, credit, commodity, or technology transfer to other countries, such as Cuba and North Korea, that are engaged in activities inimical to the national interests of the United States.

(5) That the Soviet Union has taken constructive steps toward completing the Strategic Arms Reduction Talks (START) and has placed a high priority on reaching an accord in the Defense and Space Talks.

(6) That full transparency exists with respect to data necessary for the United States to determine the creditworthiness of the Soviet Union and its ability to repay debt, such as disclosing data to permit a detailed assessment of Soviet credits similar to that provided by other sovereign borrowers, including disclosure of the sources and uses of Soviet hard currency, the value of the strategic gold reserves of the Soviet Union, and other key economic and financial data.

(7) That, in order to demonstrate its creditworthiness and to demonstrate a commitment to economic reform, the Soviet Union has adopted specific provisions with strict, short timelines for deregulating most prices, selling to privately-owned entities most government-owned assets, and introducing genuine competition into the Soviet economy.

(8) That the Soviet Union is committed to environmental restoration and rehabilitation of unsafe nuclear facilities that it continues to operate.

(9) That the Soviet Union will not transfer to any country any equipment, technology, or services to build any VVERS nuclear reactors. In particular, that the Soviet Union will no longer provide support in the form of funds, equipment technology, or services for the Cienfuegos project in Cuba.

(10) That any assistance otherwise prohibited by this subsection will be provided, whenever feasible, to the democratically elected governments of the Baltic states and the republics.

(c) CERTAIN ASSISTANCE NOT AFFECTED.—Subsection (b) shall not prohibit assistance to the government of, or through nongovernmental organizations to, any of the Baltic states or any eligible recipient in the Soviet Union as defined in section 862(f).

(d) WAIVER IN THE NATIONAL INTEREST.—The President may provide assistance to the Soviet Union notwithstanding subsection (c) if—

(1) he determines such assistance to be in the national interest of the United States;

(2) he submits his determination, together with the reasons therefor, to the President of the Senate and the Speaker of the House of Representatives;

(3) 30 legislative days have elapsed since the determination is so submitted; and

(4) in the case of credit assistance, the United States will retain collateral for the full dollar amount of such assistance.

Each submission under paragraph (2) shall include a description of the progress of the Soviet Union in meeting the conditions set forth in subsection (b).

Mr. HAMILTON (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 Indiana?

Mr. KYL. Mr. Chairman, reserving the right to object, given the short amount of time that we have to describe the amendment, I prefer that it be read so that all Members could understand what is in it.

The CHAIRMAN pro tempore. The Clerk will read the amendment.

The Clerk concluded the reading of the amendment.

□ 1550

Mr. KYL. Mr. Chairman, my colleagues, this amendment provides that certain conditions would have to be met by the Soviet Union before any aid could be provided under this act and that whenever feasible any aid be provided directly to the democratically elected governments of the Baltic States and other republics.

The conditions are all achievable, many of them immediately, and that is why we need to adopt them.

We want the Soviet Union to be able to achieve real fundamental transformation of its political, economic, and military system.

A substitute sense-of-Congress resolution with less stringent conditions may be offered by some who believe the conditions in our amendment are too tough, but our constituents will demand that there be tough conditions before any of their hard-earned money is sent to the Soviet Union.

In fact, I would challenge anyone to identify which of our conditions are too tough. I believe they are all realistic, meaningful, and achievable, and they need to be fixed in law rather than merely expressed in nonbinding form.

I urge their adoption.

Mr. Chairman, it is universally conceded that the Soviet Union is bankrupt economically and politically. The questions are what the Soviets should do and will do; and what, if anything, the United States can do to affect the situation in our best interest.

There is common agreement on what the Soviets should do—things like completing democratic reforms, ensuring civil and human rights and self-determination; implementing a true market economy based on property ownership; and reducing military expenditures to levels approximately relative to United States spending.

There is less consensus as to whether the Soviets will do what is necessary. Even if they were totally committed, which is far from certain, the task would be daunting by anyone's standards.

It is for this reason that some have proposed some kind of aid to the Soviet Union. Under such a grand bargain, the West might be asked to give, loan or guarantee up to $150 billion over 5 years.

As President Bush has said, "That's a big chunk of change." Even if that much money were available, we would not even consider giving it unless we determined that: First, it was in our best interest; second, it was the best way to achieve the objective; and, third, it had reasonable prospects for success.

To assure these three tests could be satisfied, we should begin identifying now the kinds of conditions that would have to be a part of any new aid program. That is the purpose of this amendment today: To put on the record a statement of conditions which should be met, which can be met, and, therefore, which must be met before the President or Congress could provide any new aid. They are not necessarily perfectly stated or all-encompassing; but they represent a good start at defining what we consider our critical interests.

Because of rules of germaneness, these conditions only apply to aid authorized under this act. At present, there is none. We believe it is important to include this statement in this authorization bill for three reasons: First, if aid is proposed in the future, it is important that the Congress have stipulated the requirements; second, assistance may be provided for in appropriation bills—loan guarantees, commitments to IMF, World Bank, et cetera; it is important that those commitments be conditional as well; and third, the Appropriations Committee has expressed itself somewhat similarly in report language in this year's foreign operations appropriation bill. By setting out those conditions which should be satisfied, this bill can provide a framework for any appropriation.

The conditions we have included in this amendment are all achievable—the intent is to identify things they should and can do, not to throw up impossible hurdles. So there should be no argument that we should provide assistance first and check progress later on their compliance. That would be backward, and would not be acceptable to the American people.

Should we bind the administration's hands, another argument against conditions? The answer is "yes," to the extent these conditions do so. This is not micromanagement; this is the statement of first principles, the sine qua non—that without which no aid should be considered by the administration.

The conditions we have set out are very similar to the recommendations of Zbigniew Brzezinski in a recent article published in the Washington Post; they were developed by a bipartisan group, they are neither liberal nor conservative; they are simply the kind of things our constituents would want us to do.

There is no negative impact on existing programs because these conditions do not apply to the commodity credit program, and there is no specific aid proposed in this bill. But adopting this amendment will send a message. That's its purpose.

If the United States is to have any influence over the Soviet Union, we must prescribe the remedy and require the Soviets to accept the remedy. Otherwise, any assistance will simply perpetuate a failed system.

The creditworthiness of the Soviet Union as described in subsections 6 and 7, section 869, should be determined upon receipt of the following information:

First, the sources and uses of Soviet hard currency, Including historical analysis of total hard currency revenues and specific sources from 1985 to 1990 and projected hard currency income and sources from 1991 to 1996; the percentage of hard currency earnings dedicated to imports, debt service payments in 1990 and projected payments for 1991, expenditures associated with Soviet obligations;

Second, the Soviet debt-financial structure, including total Soviet hard currency indebtedness and breakdown of debt; maturity schedules of debt; total arrearages to suppliers by country from 1989 to 1991; identification of major official and private creditors; historical analysis of terms and conditions received in credit markets from 1986 to 1991; historical analysis of official versus private debt from 1985 to 1991; level of untied, general purpose financing including interbank deposits as percentage of total debt for 1986–91; total Soviet bond offerings, by country; total claims against the Soviet Union in the "forfait" market; breakdown of Soviet assets, notably deposits with foreign banks, hard currency loans to other countries, strategic gold reserves, foreign property and investments, and so forth; total Western government guaranteed credit lines and drawdowns under these lines from 1989 to 1991; total projected Soviet financing requirements from 1991 to 1995; Soviet debt refinancing or rescheduling by Western governments from 1990 to 1991; and total Western bank deposits in Soviet-owned subsidiary banks located in the West;

Third, Soviet economic and financial vulnerabilities, including historical analysis and projections of Soviet oil and gas production; level of reliance on foreign equipment, technology, food imports, and so forth; current and projected level of access to Western financial markets; the size and duration of problems with payments arrearages, trade imbalances, project delays, and so forth; implications of volatile commodity prices and availability; financial implications of expanding domestic labor unrest; access vulnerabilities to export markets; and

Fourth, the Soviet domestic economic situation, including current and projected status of Soviet budget deficit, inflation, shortages, and ruble overhang; the components of total annual Soviet military expenditures at their actual size; the status of key industrial sectors and modernization efforts; projected costs of remedying environmental hazards from 1991 to 2000; and accounting to total Western food aid already distributed to the USSR.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ROTH].

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

For five decades, the fundamental goal of our foreign policy has been to defeat communism and secure freedom for oppressed peoples in these totalitarian States.

Now, we have reached the critical point in history when the economic and political forces have converged to make us victorious in this great struggle.

This is the right moment to summon all our resources and apply them to win the final concessions we need from the Soviet Union.

This is the point of Gorbachev's maximum vulnerability, and this is the right time to pass these conditions for any assistance from the American people.

With this amendment we could see:

The end of Soviet support for Cuba and the other remaining puppet States;

The end of Soviet-sponsored terrorism;

The end of massive Soviet military pressure on Europe; and

The beginning of true change in the Soviet Union.

This morning a group of us met with Boris Yeltsin, the real leader of the reform movement. This is the kind of amendment that he would support, to break down the last vestiges of the Soviet Communist State.

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

Mr. COX of California. Mr. Chairman, insufficient data disclosure by the Soviet Union has now become a major factor for American taxpayers and United States-Soviet relations. Adequate data is an indispensable precondition to Soviet integration into the Western economic and financial community and must be a prerequisite for any further United States Government loan guarantees. Moreover, Soviet data which are ultimately provided to the United States delegation will have to be independently evaluated, due to the long Soviet track record of falsifying data even when it has agreed to provide it.

I commend my colleague, Mr. KYL, for including data transparency as a condition to any United States assistance to the Soviet Union. To clarify exactly what it is that the sponsors of this provision have in mind, the following list summarizes some of the relevant factors that must be evaluated to determine Soviet creditworthiness and the wisdom of exposing the American taxpayer to further risk through loan guarantees to the U.S.S.R.:

I. SOURCES OF HARD CURRENCY

Sources of hard currency income and percentage breakdown.

Historical analysis of total hard currency revenues and specific sources.

Projected hard currency income and sources for at least the period 1991–96, to help determine Soviet ability to repay when American loans mature.

Actual and projected income from military hardwares sales to foreign countries and third parties, 1985–95.

II. USES OF HARD CURRENCY

Percentage of hard currency earnings dedicated to imports, including detail on major imported items.

Debt service payments in 1990 and projected payments for 1991.

Expenditures associated with Soviet client-state support—for example, Cuba—other foreign obligations, and illegal Western technology acquisition efforts.

III. DEBT/FINANCIAL STRUCTURE

Total Soviet hard currency indebtedness and breakdown of debt—that is, short-, medium-, and long-term.

Maturity schedules of debt.

Analysis of the components of total annual Soviet military expenditures.

Status of key industrial sectors and modernization efforts.

Projected costs of remedying environmental hazards (1990–2000).

Accounting of total Western food aid already disbursed to the U.S.S.R.

AMENDMENT OFFERED BY MR. JOHNSTON OF FLORIDA TO THE AMENDMENT OFFERED BY MR. KYL

Mr. JOHNSTON of Florida. Mr. Chairman, I rise in opposition to the amendment, and I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSTON of Florida to the amendment offered by Mr. KYL: Strike out all of the Kyl amendment that follows "Page 622," and insert in lieu thereof the following:

After line 5, insert the following:

SEC. 869. UNITED STATES ASSISTANCE TO THE SOVIET UNION.

(a) FINDING.—The Congress finds that—

(1) there is a strong link in the Soviet Union between the task of democratization and the requirements of creating a market-oriented economy;

(2) there has been a significant increase in respect for human rights and fundamental freedoms in the Soviet Union and there has been a great increase in the number of people able to emigrate from the Soviet Union;

(3) progress has been made in the Soviet Union toward greater political pluralism and participation, including increased autonomy for its republics;

(4) substantial progress has been made toward arms control agreements to reduce Soviet conventional forces as well as its nuclear capabilities, including the number of intercontinental ballistic nuclear missles; and

(5) the economic problems that plaque the Soviet economy can only be effectively addressed by comprehensive economic reforms undertaken by the Soviet Union.

(b) CONGRESSIONAL POLICY DECLARATIONS.—The Congress—

(1) applauds market reforms and increased democratization within the Soviet Union and urges continued progress toward the creation of a free society and a free market economy;

(2) supports the provision of technical assistance to facilitate needed economic and market reforms and democratization within the Soviet Union and of emergency assistance in response to natural disasters; and

(3) opposes foreign assistance to the central government of the Soviet Union other than specialized technical assistance until—

(A) further major and fundamental reforms of the Soviet economic, political and legal systems are being implemented, designed to foster pluralism and a market economy in the country;

(B) there is a significant reduction in the conventional and nuclear forces as well as the defense expenditures of the Soviet Union;

(C) the Soviet Union ceases its repressive actions against the people and governments of the Baltic States, including the withdrawal of all specialized Interior Ministry troops, and returns control of all communication centers within the Baltic States to the freely-elected governments of those states;

(D) the Soviet central government enters into good-faith negotiations with the Baltic

States and other Soviet republics on their future status;

(E) the Soviet Union terminates all military assistance to Cuba and dramatically reduces other programs of assistance to Cuba as well as to other countries continuing to pursue repressive policies at home and a policy of hostility to the United States; and

(F) the Soviet Union has repaid all overdue debts it owes to U.S. business concerns.

Mr. JOHNSTON of Florida (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 Florida?

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, reserving the right to object and making a parliamentary inquiry, it is my understanding that this amendment is structured as a perfecting amendment. Is that correct?

The CHAIRMAN pro tempore. As the gentleman said, he is offering it as an amendment to the Kyl amendment.

Mr. WALKER. As an amendment?

Mr. JOHNSTON of Florida. As an amendment.

Mr. WALKER. Further reserving the right to object, the reason why I am reserving the right to object is we do not have a copy of the amendment, and an amendment would have to have language at least somewhat similar in some places to that which has been offered by the gentleman from Arizona. Otherwise, it would have to be offered as a substitute. It would be helpful to know whether or not this amendment meets the test of an amendment rather than as a substitute.

Mr. JOHNSTON of Florida. Mr. Chairman, I think it begins and patterns itself, and it is very germane to the original amendment filed by the gentleman from Arizona [Mr. KYL]. The gentleman can take a look at it.

Mr. WALKER. Reserving the right to object, Mr. Chairman, it appears as though what the gentleman does is strike all of the language of the Kyl amendment and substitute language of his own, That, in fact, would be a substitute rather than an amendment, and it would, therefore, not be in order as a perfecting amendment the way the gentleman has structured it. I am reserving the right to object.

Mr. Chairman, I make the parliamentary inquiry as to whether or not this amendment is, in fact, in order as an amendment or whether or not it is something that has to be instead offered as a substitute.

Mr. JOHNSTON of Florida. Mr. Chairman, the language in there, even though it strikes his entire amendment, tracks quite a bit of it which I think would meet the requirements of an amendment to the amendment.

Mr. WALKER. Reserving the right to object, Mr. Chairman, I have made a parliamentary inquiry.

The CHAIRMAN pro tempore. The amendment is a perfecting amendment. It strikes everything after the beginning, but it includes some of the previous amendment, so it is a perfecting amendment.

Mr. WALKER. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Arizona [Mr. KYL].

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

This is the amendment language or substitute language which I had been provided earlier, that which was just supplied to us, and there is nothing in here which tracks the language in my amendment. With that representation to the Chair, I would ask the Chair to consider that point before ruling on any point of order that we might propose. It is a substitute not tracking to my amendment.

Mr. WALKER. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, my parliamentary inquiry would be: Is it incumbent upon the Chair to rule as to whether an amendment is or is not in violation of the rules of order before a point of order has been made? That is the essence of what the two gentlemen on the other side are asking, and parliamentarily I believe that is inappropriate. The Chair is now being asked to rule in advance of a point of order being made.

The CHAIRMAN pro tempore. The Chair has the responsibility to decide whether or not it is a substitute amendment or a perfecting amendment.

Mr. SMITH of Florida. Mr. Chairman, has the Chair ruled whether it is a substitute or a perfecting amendment?

The CHAIRMAN pro tempore. The Chair is prepared to rule that the amendment as drafted by the gentleman from Florida [Mr. JOHNSTON] strikes everything after "page 622" and, therefore, is a perfecting amendment. It leaves part of the amendment as drafted by the gentleman from Arizona [Mr. KYL] and is, therefore, a perfecting amendment.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. KYL. Mr. Chairman, reserving the right to object, would it be possible for the sponsor of the amendment to tell me what part then of my amendment is retained? Because that is not clear to me from the language that has been provided.

Mr. JOHNSTON of Florida. Mr. Chairman, will the gentleman yield?

Mr. KYL. Further reserving the right to object, I am happy to yield to the gentleman from Florida.

Mr. JOHNSTON of Florida. Mr. Chairman, everything before 622.

Mr. KYL. Further reserving the right to object, in other words, it strikes everything after the first "Whereas" in the findings? Is that correct? I would ask my colleague that.

The CHAIRMAN pro tempore. The amendment strikes everything after "page 622" which are the first two words or the first part of the instructions of the amendment.

Mr. KYL. Further reserving the right to object, so then, finally, Mr. Chairman, as a further point of clarification, the Chair rules that despite the fact that every word in my amendment is stricken and the gentleman's amendment substitutes new language for that, that qualifies as a perfecting amendment rather than a substitute under the precedents of the House?

The CHAIRMAN pro tempore. Technically the gentleman from Florida is correct in offering his amendment. He strikes only the insertion, but he does not strike the entire amendment.

The gentleman from Florida [Mr. JOHNSTON] is recognized for 5 minutes.

Mr. JOHNSTON of Florida. Mr. Chairman, this amendment makes a series of congressional policy declarations that urge a continuing progress toward the creation of a free society and a free-market economy inside the Soviet Union. It supports the provisions of technical assistance to facilitate market reform and democratization and opposes foreign assistance to the Central Government of the Soviet Union other than specialized technical assistance until a series of economic and political conditions are met.

These conditions that I have in my amendment to the amendment include further economic and political reform, a significant reduction in Soviet forces and defense expenditures and an end to the repression in the Baltics, good faith negotiation with the Baltic States and other republics, a dramatic reduction of Soviet assistance to Cuba and other repressive States and, finally, the Soviet repayment of debts to United States business concerns.

□ 1600

The reason I think this body should support the amendment is, No. 1, the amendment is an appropriate statement by this Congress of this concern about domestic and foreign policies within the Soviet Union; No. 2, it is a balance statement, commending the Soviet Union for the steps it has taken so far in outlining additional steps that this Congress believes that the Soviet Union should take.

This amendment actually draws upon the amendment prepared by the gentleman from Ohio [Mr. MCEWEN], and it builds on his good works, which I appreciate. This amendment is consistent with a statement made by Secretary Baker in his speech in Copenhagen June 7 of this year.

It is my understanding that the administration approves of this amend-

ment, but does not approve of the amendment of the gentleman from Arizona [Mr. KYL] because it literally ties the hands of the President and gives the President no discretion when it comes to any aid whatsoever.

In summary, I believe the amendment should be passed because it states an appropriate congressional policy; it is balanced for all concerned; it does not micromanage United States policy in the Soviet Union; and it does not tie the hands of the President.

Mr. Chairman, I urge my colleagues to vote for the amendment to the amendment.

Mr. KYL. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I rise in strong support of the Kyl amendment and in opposition to the Johnston amendment which simply does not go nearly far enough.

Mr. KYL. Mr. Chairman, the point I was going to make was that the reason I would like to object to the substitute amendment is that it does not really propose meaningful conditions. It is a sense-of-the-Congress only. Our amendment has real meaningful conditions on providing aid for the Soviet Union.

Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I support the amendment offered by the gentleman from Arizona. I think the substitute is an improvement over current law, but it is not enough. It is an expression of movement, but it does not move far enough.

We have had a lot of urging of some of my liberal friends who have urged conservatives to move beyond cold war thinking. I think that is important. However, I think we on the liberal side should do the same thing.

We had a problem over the past 45 years because the United States and the Soviet Union were locked in a cold war that could have become thermonuclear, and we had to overlook a lot because of that. When overriding national security questions were at stake, some issues became less important. Human rights, in that equation between the two countries was not always a given by any administration the way we might like because the threat of thermonuclear war overbore both countries.

We had a situation where, between the Soviet Union and America, the issues were too important, sometimes, for morality to come into play. That is no longer the case. We are now no longer threatened by the Soviet Union as to our very existence; nor, I think, are they threatened by the United States. Our relations are evolving. They are not there yet, more into a normal pattern. That is what this amendment says. This amendment says for the United States to no longer look at the Soviet Union as the single grave threat to our existence. Let the United States look at it as a society with which we are prepared to have relations, if it lives up to certain advantages, and particularly what the Kyl amendment says that I would like is, "you must reduce military spending." The great problem we face today in this country is a need to continue military spending beyond the level that is healthy for our economy. For the United States to give money to the Soviet Union while it still spends so much militarily makes no sense.

What the amendment of the gentleman from Arizona says to the Soviet Union is to make a very substantial reduction in their military. That will encourage and allow the United States to make an equally substantial reduction, and we will share some of that saving with the Soviet Union.

For the United States, in the current situation, to talk about large amounts of money going forward would be an error. What this says is that we want to move toward a more normal relationship, and in those relationships, we have a right, as a condition of giving our money, to talk about human rights and an end of repression, and particularly talk about a substantial mutual downward reduction in military spending.

Mr. JOHNSTON of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Chairman, my amendment to this section of the bill is addressed by the Johnston amendment to the Kyl amendment. Therefore, I rise in support of the Johnston amendment.

I ask my colleagues to join me in support of my amendment which addresses the problem of debts owed to United States businesses by the Government of the Soviet Union.

I was contacted last week by INDSPEC Chemical Corp., a small, employee-owned company in my district that manufactures a product which is being sold to the Soviet Union. This corporation has not been paid for a product delivered to the Soviet Government agency over 18 months ago.

Numerous attempts have been made to obtain payment—but to no avail. The United States Department of Commerce is compiling a list of companies that are affected by the Soviet agency's unwillingness to satisfy their debts. You, my colleagues, may have companies which are located in your district who are facing the very same difficulties.

[From the New York Times, March 1991]

DUNNING THE SOVIETS PROVES TOUGH

As a medium-sized maker of paperhandling equipment, the Zerand-Bernal Group Inc. of New Berlin, Wis., has been stung by its share of deadbeats. But company executives say that in all their years of running a business they have never faced a debtor as recalcitrant as the Union of Soviet Socialist Republics.

Zerand delivered equipment late last year to two Soviet factories that make food containers, one in Minsk and the other in Kishinev. The company says it has since spent $20,000 on lawyers for dunning letters, but it has not received any of the $32 million promised in its contract with Tekhnoeksport, a Moscow foreign trade organization.

The first payments were due in September; the last payments at the end of 1990.

A YEAR'S WORTH OF SALES

"We've written a lot of letters, but we haven't gotten any response," said Kenneth N. Allan, the project manager for Zerand, which is a division of Stevens Graphics Corporation of Fort Worth. He said the outstanding Soviet bill represented more than a year's sales for Zerand, which makes machinery that folds cartons.

Zerand is not alone. The Commerce Department says about 20 other companies are owed money for goods delivered to the Soviet Union. Such overdue bills total more than $100 million, with many of the debts about a year old. Zerand is owed the most money by far and is by far the least experienced in trade with the Soviet Union.

A Commerce Department spokeswoman said a handful of companies have been paid in the last few months, but a similar number of companies have joined the list of those unpaid.

The companies affected are all small and medium-sized ones that specialize in providing hard-to-obtain equipment, like electronic and scientific gear, on short notice. Experts say the Soviets have been more careful about paying large companies for fear of jeopardizing long-term business relationships.

Not surprisingly, relations between the Soviet Union and the smaller companies have been strained. While the smaller companies do not carry the weight of an International Business Machines Corporation, they fill important niches in the $3 billion worth of exports sent to the Soviet Union from the United States.

Oleg Enoukov, the deputy representative in New York City for Vneshekonombank, the Soviet bank responsible for foreign exchange, said the payment delays were an accidental offshoot of his country's first steps toward economic restructuring.

"We are in the initial phase," Mr. Enoukov said in a recent interview. "People are accustomed to receiving state support. They have to change their mentality."

In a recent interview with Reuters in Moscow, a Deputy Foreign Minister, Ernest Obminsky, said the nation had no problem meeting its own debts, but acknowledged, "We do have a big backlog in paying back debts between companies."

Soviet officials say it is difficult to estimate the total commercial debt arrears, but they say the bills are gradually being repaid and that the situation has not worsened since November.

Now, behind Zerand's lead, at least eight companies have agreed to pool their knowledge on trading with the Soviet Union in a determined effort to collect what they are owed.

It looks like they still have a way to go. They were hoping that Senator Bob Kasten, Republican of Wisconsin, would take up their cause and make payment of such debts a condition of extending new United States credit to the Soviet Union. Trade experts said companies in Germany, Italy and other European countries that were owed money on Soviet contracts were bailed out when their governments extended credit to the Soviet Union, with part of the money designated to pay the bills due the companies.

U.S. ACTION CALLED UNLIKELY

Unfortunately for the American companies, trade experts say there is little likelihood the United States will be extending new credit to the Soviet Union soon, because of concerns over Moscow's crackdown on the independence movements in the Baltics. An aide to Senator Kasten said there was little the Senator could do on the matter.

One measure of the frustration felt by executives of the American companies is their discarding of some of their shyness about publicizing their troubles. They had feared ruining their relationship with the Soviet Union, but now in interviews the executives describe a situation that leaves little room for maneuvering.

"This has caused us a great deal of difficulty," Mr. Allan said. "We are entering a depression; capital goods are not doing so good." He added, though, that the absence of the $32 million owed his company would not hamper operations.

Until recently in the Soviet Union, contracts involving a foreign company could take years to negotiate. The Soviet side would usually be represented by a foreign trade office, while the foreign company would be represented by an import-export company. But once a contract was signed, payment from a central bank in Moscow was sure and certain.

Now, trade experts say, the Soviet agencies have more freedom to make quick business agreements with foreigners, but those agencies have to find the hard currency to pay for the goods and services. A shortage of hard currency has in the last year caused repeated reports of delayed Soviet bill payments around the world.

"They did not plan ahead, and got into trouble," said Daniel L. Bond, the vice president who conducts risk analysis at the Export-Import Bank.

The American companies say they had no warning of the change. "We are old-timers who dealt with the cream of the crop of companies," said one East Coast importer, who would speak only on the condition of anonymity. "Our clients were told they are on their own after the fact."

This executive said his nine-year-old company was on the verge of declaring bankruptcy and badly needed the $70,000 it was owed from its Soviet deals.

Michael A. Herzen, president and founder of Techcare Systems Inc., a San Francisco-area company that sells medical and laboratory supplies, said a total of nearly $1 million had been overdue for nine months from various Soviet ministries.

He said the equipment his company delivered was already in use in the Soviet Union. "We haven't tried to get it back; we've tried to get the money back," Mr. Herzen said.

Techcare's plight shows how few options are available to the companies that are owed money. Most say they are confident that they will be paid; they just do not know when. They can wait and hope the United States Government will intervene, or try to demand payment through an arbitration process.

CONSIDERING ARBITRATION

Mr. Herzen said he was contemplating appealing to the Soviet Chamber of Commerce, which was named the arbitrator in his company's contract. But he said such a move might end his Soviet business dealings.

"The purchasing agencies buy most of the stuff, and you can alienate them forever, and they will not do business with you," Mr. Herzen said.

Having learned from past mistakes, Techcare and other companies, like Planet International Import-Export Ltd. of New York City, now make Soviet enterprises pay in advance or provide a letter of credit that assures the money is available once the goods are delivered.

But using such terms in contracts has reduced business by more than half, said Harold Weiner of Planet, who said his business was owed about $1 million.

I have contacted the Soviet Ambassador asking for his assistance and I am asking for the support of my colleagues in voting for this amendment which would restrict assistance provided under the Foreign Assistance Act of 1961 to the Soviet Union during fiscal year 1992 or fiscal year 1993 unless the President certifies to the Congress that the Government of the Soviet Union has paid all overdue debts it owes to businesses whose principal place of business is here in our own United States.

My amendment would not affect any aid to the Baltic Republics of Latvia, Lithuania, and Estonia or any other eligible Republican government elected through open, free, and fair elections. They would continue receiving our aid to foster the development of their newly founded democracies.

It would, however, attempt to have the scores settled on debts which are long overdue to our United States-based businesses before we give any additional assistance to the Soviet Union.

I ask for my colleagues' support for this logical, straight-forward amendment.

Mr. JOHNSTON of Florida. Mr. Chairman, I yield 1 minute to the chairman of the subcommittee, the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I rise in support of the Johnston amendment.

Let Members be clear about what the Kyl amendment does. The Kyl amendment says that there will be no assistance to the U.S.S.R. unless the President certifies a number of conditions. Those conditions simply cannot be met. The President cannot certify that, and therefore, the impact of the Kyl amendment is to say no aid of any kind to the Soviet Union. That goes too far in the present circumstance.

We have a Secretary of State giving a speech yesterday indicating an opening here, and we ought not to tie the hands of the President to the extent that the Kyl amendment does.

We have, today, a very, very fluid situation with regard to the Soviet Union. The problem with the Kyl amendment is that it is much, much too rigid. The Congress ought to state conditions that should be met, but we ought not to tie the hands of the President completely. That is precisely what we are doing with the Kyl amendment. I urge the adoption of the Johnston amendment because of its balance and because of its nonmicromanagement approach to the problem. It does not tie the hands of the President.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, the choice is clear. With all due respect to my colleague from Florida, his perfecting amendment or substitute consists of exhortations.

The Kyl amendment sets out clear conditions. Just this morning, many Members met with Boris Yeltsin, newly elected President of the Republic of Russia, I asked him a question on aid: Should we set out tough conditions before we give aid? He answered in the affirmative, and he said, "You should set ideological conditions."

That is what the Kyl amendment does. It serves the American taxpayer because it makes sure this aid will not be wasted like the aid to the Government of Poland, that talked about reform, but never made basic changes. It also says to the citizens of the Soviet Union, struggling for democracy, and for reduction in military spending, "This aid is only going to go to your government or your country when your leadership does not just talk about tinkering and reform, but makes real, basic changes."

I urge that we defeat the Johnston amendment and support the Kyl amendment.

Mr. JOHNSTON of Florida. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I will attempt to amend this amendment as amended, and it is for one important point.

We have been forewarned by leaders in the Soviet Union that the Union Treaty which is pending in that country could work a great disservice to those republics which do not participate in it. We should make certain that any United States assistance sent to the Central Government of the Soviet Union is equitably distributed among the republics.

I will be offering langauge to that effect to perfect the amendment offered by the gentleman from Florida.

Mr. JOHNSTON of Florida. Mr. Chairman, briefly in my remaining 30 seconds I would ask the gentleman from Massachusetts [Mr. FRANK] to read the amendment. It specifically requires the Soviet Union to have a significant reduction in conventional and nuclear forces, as well as the defenses.

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

Mr. JOHNSTON of Florida. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Masschusetts. Unfortunately, it is interpreted by the President, and what the President thinks is significant and what I think is significant is sometimes significantly different.

Mr. JOHNSTON of Florida. Finally, the incongruity of this is that the other side says this side is constantly micromanaging the State Department. We want to give the State Department and the President this discretion, and

we are tying his hands with the Kyl amendment.

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, I have parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The gentleman will state his parliamentary inquiry.

Mr. KYL. Mr. Chairman, I had yielded time for a unanimous-consent request, but I thought I had my time carefully calculated to leave 1 minute remaining for the gentleman from Florida [Mr. McCOLLUM] to close. Was the Chair correct in indicating I had 30 seconds remaining?

The CHAIRMAN pro tempore. The gentleman has 30 seconds remaining in our record.

Mr. KYL. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Florida [Mr. McCOLLUM] to close.

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

I think the bottom line of this is simple. Are we today going to make it clear that we are not going to give aid to the Soviet Union unless they meet conditions such as stopping the kind of arms shipments they are giving to Cuba, and doing the kinds of things they are continuing to do around the world in playing games, and we are not going to give aid to the Soviet Union until they change, fundamentally, their economic systems so they can truly be a new democracy that flourishes with an economic system that works?

□ 1610

The only way to do that is to vote for the Kyl amendment. If we vote for this substitute, or this thing they now call a perfecting amendment that the gentleman from Florida [Mr. JOHNSTON] is offering, that will not be accomplished; so I strongly urge a no vote for the Johnston perfecting amendment and a vote for the Kyl amendment to really send a message on this question of no aid to the Soviet Union until they really reform.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The question is on the amendment offered by the gentleman from Florida [Mr. JOHNSTON] to the amendment offered by the gentleman from Arizona [Mr. KYL].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 130, noes 286, not voting 16, as follows:

[Roll No. 175]

AYES—130

Ackerman
Andrews (ME)
Andrews (NJ)
Aspin
Atkins
Beilenson
Berman
Bonior
Borski
Boucher
Brown
Bustamante
Carper
Clay
Coleman (TX)
Conyers
Coyne
de la Garza
Dellums
Derrick
Dicks
Dixon
Downey
Dwyer
Dymally
Espy
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Hall (OH)
Hamilton
Hayes (IL)
Hoagland
Hochbrueckner
Houghton
Hoyer
Jacobs
Johnson (CT)
Johnston
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (CA)
Levin (MI)
Lewis (GA)
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Mrazek
Murphy
Nowak
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (MN)
Pickle
Price
Rangel
Ray
Richardson
Rose
Roybal
Sabo
Sanders
Sangmeister
Sawyer
Scheuer
Schroeder
Sharp
Skaggs
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stokes
Studds
Swift
Synar
Thornton
Towns
Unsoeld
Vento
Washington
Waxman
Weiss
Wheat
Williams
Wolpe
Yatron

NOES—286

Abercrombie
Alexander
Allard
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
Dickinson
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Evans
Feighan
Fields
Fish
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hobson
Holloway
Horn
Horton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Kanjorski
Kasich
Kleczka
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Marlenee
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Perkins
Peterson (FL)
Petri
Pickett
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Ravenel
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Russo
Santorum
Sarpalius
Savage
Saxton
Schaefer
Schiff
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stallings
Stark
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Weber
Weldon
Whitten
Wilson
Wolf
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

DeLay
Fawell
Gray
Hammerschmidt
Hopkins
Lehman (FL)
Levine (CA)
Lloyd
Martin
Oberstar
Owens (NY)
Roe
Serrano
Spence
Torricelli
Wise

□ 1634

Messrs. BROOKS, McMILLEN of Maryland, HERTEL, ALEXANDER, PICKETT, and HOLLOWAY, Mrs. BOXER, Mr. RIGGS, and Mr. DeFAZIO changed their vote from "aye" to "no."

Messrs. ATKINS, RICHARDSON, PRICE, HOAGLAND, McCLOSKEY, and LEVIN of Michigan changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DURBIN TO THE AMENDMENT OFFERED BY MR. KYL

Mr. DURBIN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DURBIN to the amendment offered by Mr. KYL: On page 2, following line 6, insert the following and reletter subsequent subparagraphs accordingly:

(B) The Soviet Government has returned control of all buildings and other property which it has seized since January 1, 1991 within the Baltic States to the freely-elected governments of those States and other lawful owners of such buildings and other property;

(C) The Soviet Government has made assurances that such assistance will be distributed equitably among the Baltic States and

the Soviet Republics, as shown through a detailed plan of proposed distribution;

Mr. DURBIN (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. MAZZOLI). Is there objection to the request of the gentleman from Illinois?

Mr. MILLER of Washington. Mr. Chairman, reserving the right to object, would my distinguished colleague, the gentleman from Illinois [Mr. DURBIN], just explain how his amendment changes the amendment of the gentleman from Arizona [Mr. KYL]?

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

Mr. MILLER of Washington. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, under the amendment of the gentleman from Arizona [Mr. KYL], the President is to certify and report to Congress that certain conditions are met before the Soviet Union is to receive any assistance. I have added two conditions which I think are important.

Mr. Chairman, the first is that the Soviet Government returns control of all the buildings and property which it has seized since January 1, 1991, within the Baltic States; and, second, as I mentioned earlier, to make certain that all of the assistance from the United States to the Soviet Union is equitably distributed among the republics so that there is a no favoritism and that any assistance we send is not used as any type of pressure on those republics which have not signed the Union Treaty.

Mr. MILLER of Washington. Mr. Chairman, I thank the gentleman from Illinois [Mr. DURBIN] for his explanation.

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

Mr. MILLER of Washington. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I strongly support the amendment offered by the gentleman from Illinois [Mr. DURBIN] and urge the Members to support this important amendment.

Mr. Chairman, I rise to support the Durbin amendment. The amendment adds two important conditions to the Kyl amendment, on property seized from the Baltics and distributing any assistance to the Soviet Union equitably. We must ensure that the freely elected governments of the Baltic States are not ignored. I urge my colleagues to support the Durbin amendment.

Mr. MILLER of Washington. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN] to the amendment offered by the gentleman from Arizona [Mr. KYL].

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCOLLUM TO THE AMENDMENT OFFERED BY MR. KYL, AS AMENDED

Mr. McCOLLUM. Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM to the amendment offered by Mr. KYL, as amended: on page 4 of the Kyl amendment, line 3, after "Cuba" insert "Vietnam, Afghanistan,".

Mr. McCOLLUM (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 Florida?

Mr. WALKER. Mr. Chairman, reserving the right to object, and I shall not object, but let me allow the gentleman from Florida to explain what his amendment does.

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

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

Mr. McCOLLUM. Mr. Chairman, this amendment is very simple. It simply adds to the countries that are under the amendment of the gentleman from Arizona [Mr. KYL] the countries of Afghanistan and Vietnam because, if in fact we are going to have Cuba and North Korea there, it seems only appropriate, since the Soviets are still pumping lots and lots and lots of aid into Vietnam and into Afghanistan, that they be included. That is all the amendment does.

Mr. Chairman, I urge my colleagues to vote for it.

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

Mr. WALKER. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I would like to inquire of my colleague, the gentleman from Florida [Mr. McCOLLUM], whether he intends to ask for a recorded vote.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will yield, I do not intend to ask for a recorded vote on this amendment.

Mr. FASCELL. In addition, Mr. Chairman, I would like to ask the gentleman from Arizona [Mr. KYL] if he will be asking for a final vote on his amendment as amended.

Mr. KYL. Mr. Chairman, if the gentleman will yield, final vote, yes, Mr. Chairman.

Mr. FASCELL. Mr. Chairman, I was just trying to determine, and I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding, if we could cluster any votes. As I understand it, there is only one vote then. That is on the amendment of the gentleman from Arizona [Mr. KYL] as amended.

Mr. WALKER. Mr. Chairman, as I understand it, further reserving the right to object, the only vote that we would have coming up would be the vote on the final passage of the amendment of the gentleman from Arizona [Mr. KYL].

□ 1640

I had been asked earlier, so there is no question about it, I have a freestanding amendment in the RECORD on Cuba that would follow the Kyl amendment. I would ask for a recorded vote, or intend to, when that is offered. I think there was discussion about clustering that, which, if you wish to ask for, I have no objection either.

Mr. FASCELL. Mr. Chairman, I thank the gentleman. I would just like to let Members know that there will be a final vote on the Kyl amendment, as amended, and then a vote on the McCollum amendment.

Mr. WALKER. Mr. Chairman, further reserving the right to object, my understanding of the freestanding amendment would be there would be 10 minutes of debate on that before we have another vote.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will yield further, that is my understanding. It is a freestanding amendment.

Mr. FASCELL. Mr. Chairman, if the gentleman will yield, the gentleman does not have to.

Mr. WALKER. Mr. Chairman, reclaiming my time, that is true. The gentleman from Florida [Mr. FASCELL] is absolutely correct.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM] to the amendment offered by the gentleman from Arizona [Mr. KYL], as amended.

The amendment to the amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona [Mr. KYL] as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will postpone the vote until after debate on the McCollum amendment on Cuba.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM: Page 622, after line 5, insert the following:

SEC. 869. RESTRICTION ON ASSISTANCE TO THE GOVERNMENT OF THE SOVIET UNION.

During the fiscal year 1992 and 1993, assistance may not be provided to the Government of the Soviet Union under the Foreign Assistance Act of 1961 unless the Government has terminated all military assistance, directly or indirectly, to Cuba.

Mr. McCOLLUM. Mr. Chairman, this amendment is very straightforward. It is very simple. What it does is say there shall be no aid given to the Soviet Union, so long as the Government of the Soviet Union continues to provide to the Government of Cuba military assistance, directly or indirectly.

Mr. Chairman, I would like to quote on this from a column written very recently, June 3, by William Safire. That op-ed piece says,

After some badgering, an official U.S. source responsible for knowing the extent of Moscow's current subsidy of communism in Cuba disgorged this figure for 1990: $4.5 billion. That does not include the aid that the folks who gave the world Chernobyl are giving Fidel Castro to install uninspected nuclear reactors a stone's throw from Florida.

Mr. Chairman, my point is simple: We have absolutely no business giving any aid to the Soviet Union as long as they are supplying any military assistance or any other kind of assistance, but my amendment only goes to the military, $4.5 billion of assistance in the last year alone, and some estimates range as high as $30 billion over the last several years.

Mr. Chairman, it seems to me it is an unconscionable thing, to consider any aid to the Soviet Union whatsoever, as long as they continue to support this corrupt regime, 90 miles off the coast of my home State.

Mr. Chairman, at this point I include for the RECORD a House Republican task force report on this Soviet activity.

TASK FORCE ON TERRORISM & UNCONVENTIONAL WARFARE, HOUSE REPUBLICAN RESEARCH COMMITTEE,

Washington, DC, March 22, 1990.

THE SOVIET "PEACE" DIVIDEND

(By Yossef Bodansky and Vaughn S. Forrest)

Some analysts believe the breathtaking events in Europe since last summer mean the coming of a new era of peace. The Soviet unilateral withdrawal of some of the offensive elements of its armed forces in Eastern Europe, the mutual destruction of INF forces and Soviet promises to make additional withdrawals of its military forces from Eastern Europe have all contributed to the reduction of risk of war in Europe. Further, the sweeping reforms throughout Eastern Europe have resulted in a profound reduction of tensions all over the continent. Indeed, these events have been interpreted as the start of a new era of peace all over the world and as an irreversible end of the Cold War.

It is, however, too early to evaluate "peace" in Europe as events in the Baltic States and elsewhere in the Soviet Union have yet to unfold. Indeed, even the intelligence and police apparatus in other Eastern European countries have yet to be dismantled. These intelligence and police organizations are the front line of the shadow war which has been and remains substantive elements of the Cold War. Thus, it is at best very premature to declare the Cold War over.

Furthermore, even if one adopts a Eurocentrist point of view, a closer look at events suggests that the conventional wisdom is not entirely true. Indeed, it is crucial to understand that Moscow attributed the success of its unprecedented surge into the Third World in the mid-1970s in part to the atmosphere of East-West Detente. As G.B. Starushenko and Y.A. Bochkarev explained in their 1983 book, "Cooperation of the USSR with Liberated Countries and International Security":

"Detente, which is based on the principles of peaceful coexistence, presupposes the inadmissibility of intervention in the internal affairs of other countries under any pretext whatsoever. This applies particularly to armed intervention against people engaged in liberation struggle. It was not by accident that the people of Asia, Africa and Latin America achieved their greatest successes in the struggle for their national liberation during the detente years. It was in the 1970s that national-democratic revolutions took place in Ethiopia, Angola, Mozambique, Benin, Afghanistan, Madagascar, on the Seychelles, in Nicaragua, Grenada, and in other countries, and a large group of states with a socialist orientation emerged."

Thus, starting in the fall of 1989, once it became clear that the West was completely captivated by the fall of the Berlin Wall, the USSR significantly accelerated its offensive throughout the Third World, not just to consolidate tangible strategic gains, but to ruthlessly crush all the populations and movements resisting pro-Soviet regimes. Indeed, since this campaign has begun, there has been a series of major escalations in revolutionary violence throughout the Third World with Soviet-supported forces on the offensive in Afghanistan, Angola, Laos, Cambodia and Central America. All of these offensives have been financed and supplied by the USSR. In fact, had the Soviets not supported these forces, in all likelihood most would have ground to a halt.

The Task Force's analysis is that this escalation is part of a very specific and well defined Soviet doctrine of war prevention that couples the reduction of forces in Europe with suppression of points of possible contention in the Third World on terms favorable to Soviet interests. The ironic fact is that, under this doctrine, arriving at peaceful solutions for regional conflicts, currently a major aspect of the new era in US-Soviet relations, serves and expedites Soviet goals.

In this context, the political agreements that the Soviets have aspired to are to be based on the principles proven in the April, 1988 Geneva Accords on Afghanistan. In fact, the Bush Administration supported this approach when it reiterated its commitment to the essence of the agreement on the peaceful solution to regional conflicts reached during the Reagan-Gorbachev summit in late May 1988. By acceding to this, the US agreed in principle to a Soviet-style approach to the solution of regional issues.

Indeed, at present, both the US and the USSR agree that the Geneva Accords on the solution of the Afghan problem should serve as a precedent. Thus, in effect, the negotiations over, and the approach to the solution of, regional affairs are to be based on the principles proven in Geneva. Consequently, solutions imposed by the superpowers are no longer ruled out, and the US and the USSR will cooperate in the search for political solutions to the regional conflicts in the Middle East, the Persian Gulf, southern Africa, Cambodia and Central America. In fact, the implementation of Afghan-style peaceful solutions is already underway in Cambodia and Angola.

These regional solutions will, in effect, expedite and legalize the new surge by the USSR, its allies and proxies, into the Third World. Moscow believes that the consolidation of its presence in the Third World will not only give it a decisive edge in a future war, but might very well ensure the "self-Finlandization" of Western Europe even without the Soviets having to fight for it. In fact, the USSR considers its current surge to be the key to the emergence of a new anti-American world order in which regional powers will rally behind the Soviet Union in order to safeguard their interests from US-led "neo-colonialism" and "imperialist globalism".

Thus, the continued implementation of "Soviet-style" solutions to regional conflicts will facilitate the expansion of the Soviet sphere of influence, the consolidation of the Soviet hold over its empire, and affect the integration of local non-communist powers into willing and active participants in a new anti-Western bloc.

With this in view, it is crucial to understand that Moscow's celebrated new approach to regional conflicts does not reflect a change in the USSR's ultimate objectives. The strategic importance of the far flanks of the Third World had already been recognized by the Soviets in the mid-1960s.

There has, however, been a profound change in the Soviet Union's perception of the Third World. The much celebrated "new Soviet policy," as of the mid-1980s, was actually a change in means rather than of basic objectives. In reality, what really changed was Moscow's basic understanding of, and consequently approach to, the Third World.

The policy of peaceful solutions to regional conflicts is but one, albeit important, component of the USSR's rejuvenated strategic surge into the Third World. The other is the current series of Soviet-supported offensives aimed at consolidating and enhancing Moscow's dominance over these regions. The anticipated political solutions from these offensives, it is hoped, will ultimately legitimize Soviet victories.

In point of fact, regional conflicts have direct influence on the strategic posture of the USSR. Moscow believes that since vital interests of both superpowers are affected by regional fighting, some superpower involvement is inevitable. Since such involvement might develop into a direct confrontation between the superpowers, and possibly even spread beyond the region and escalate into a nuclear confrontation, the Soviet Armed Forces' approach each regional crisis both in respect to their merits and as the potential beginning of a nuclear war. Needless to say, the latter aspect has a strong influence on Soviet force structure and especially on the type and size of the Soviet nuclear arsenal.

Until the early-1980s, the USSR viewed all regional conflicts in terms of East-West confrontation. Only by installing a progressive pro-Soviet regime could Moscow ensure the loyalty of a developing country. This approach peaked in the 1970s with the establishment of several Soviet-controlled regimes in Asia, Africa and Central America. As of the late-1970s, intimate and protracted exposure to the Third World brought Soviet experts to realize that regional conflicts

emerge from indigenous root causes such as tribal and religious entities. Moreover, the appearance of Socialist and Marxist-Leninist governments only exacerbated popular hostility and further destabilized these countries because the local populations reacted by becoming more traditionalist and religious in their outlook and therefore more hostile to the Soviet client government.

At the same time, the dominant trend in Soviet global strategy only increased the importance of hegemony in the Third World. Therefore, it became imperative for the USSR not only to retain and expand its hegemony over the Third World, but to attain it without exacerbating indigenous crises. Thus, the Soviets came to the conclusion that their presence in the Third World needed to be viewed by local populations as compatible with the revival of traditionalism and the rise of Third Worldism. Toward that end, the USSR has begun increasingly cooperating with traditionalist and even reactionary segments of Third World societies, even at the expense of indigenous left wing and Communist movements. The result has been an increasing identification of the U.S.S.R. as a patron of, rather than a rival to, Third World feelings of nationalism and self-determination.

As this perception has grown, the Soviet Union has moved to capitalize on it 'vis-a-vis' the US. Indeed, Moscow has already convinced Washington that the absence of a Marxist-Leninist regime is virtually the sole political objective and measure of American success in the Third World. Thus, Washington's objective in regional conflicts has not been to alleviate the local population's indigenous problems, but to strive for the elimination of outwardly pro-Soviet elements. The consequence of this approach plays into Soviet hands by allowing Moscow to decide when it is satisfied that tension in a given area has sufficiently decreased.

Taken then into a broader East-West context, the Soviets are able to link a reduction in their nuclear arsenal to a decline in regional tensions. Thus, as far as the USSR is concerned, without a meaningful advice toward the resolution of regional conflicts, (inevitably on terms favorable to Moscow,) there is no possibility for progress in arms control and disarmament.

The Geneva Accords on Afghanistan were the first agreement built to fit this Soviet approach. The essence of that agreement was to symbolically placate the US, while retaining firm yet unobtrusive Soviet control of Afghanistan through "under-the-surface" hold over elements such as the internal security apparatus and other military and national infrastructures. The true loyalty of the post-Accords leadership and its "moderate" leaders was assured through their continued dependence on "Praetorian Guards" provided by the USSR. Moreover, the source of popular conflict within Afghanistan was also thereby removed because the Soviet presence became, for all intents and purposes, invisible.

In the meantime, the peace brought about by the Accords opened the door for the West's financing of Afghanistan's reconstruction through the United Nations. However, even this achievement ended up working to the Soviet's credit as it allowed them to claim that they had manipulated the West into financing the Afghan regime.

Needless to say, Afghanistan is not the only place that the Soviets have been active in pursuing this kind of a policy. Since late 1989, major offensives have been conducted in Angola, Laos and Cambodia. Even in Nicaragua, the more subtle but no less ruthless routing of the popular opposition was intensified. Though apparently unsuccessful, it still remains to be seen if Ortega will turn over the military and the Interior ministry, (read the police and intelligence services), to the new government. In the meantime, peaceful agreements are being implemented in all these regions and countries. All of this is part of an overriding stratagem, and indeed, a close examination of events in these regions and countries clearly demonstrates the common methods employed by the Soviets to consolidate their position in the Third World under the guise of "national reconciliation."

These characteristics are:

1. The regimes and their armed forces remain totally dependent on continued massive Soviet military support. The leading military cadres are thoroughly trained by, and are loyal to, the USSR, Cuba or Vietnam. Their survival depends on the continued flow of arms and their ultimate loyalty is determined by this relationship. In Afghanistan, the USSR left behind several years of stockpiles, $1 billion of equipment delivered for the transit period, and in addition pledged a steady monthly flow of more than $300 million worth of munitions, continues, for an annual total of $4 billion.

In Cambodia, the Vietnamese troops left behind their equipment munitions stockpiles while a massive surge of $0.75b–$1.25b worth of additional weapons and supplies was rushed from the USSR and Vietnam. The annual routine Soviet military aid to Vietnam, including support for its interventions in Cambodia and Laos, is $2.5 billion.

Finally, the USSR transferred $2.5 billion of weapons to Angola, directly and from Cuba, in preparation for the offensive against UNITA. Even now, a steady flow of Soviet military supplies continues as the Cubans leave most of their equipment behind. For its part, Cuba receives $6 billion a year from the USSR while Nicaragua receives $1 billion. Military aid to other allies in Africa and the Middle East is also on the increase.

2. The entire defense establishment of these countries is saturated by "stay-behind" troops in local uniforms, security experts and local troops loyal to the hegemonic power. As a result, the population character of key areas is changed by the infusion of "stay-behind" settlers and their armed militias.

For example, in Afghanistan, the Soviets left behind some thousand military and intelligence advisers, some 15,000–20,000 Uzbek, Tajik and Turkomen KGB troops that operate in Afghan uniforms (the "Jowzjani"), and more than 20,000 Soviet elite forces, mainly Central Asians and Far East Asians (the "Mongols"), who operate in modified KGB border guard uniforms without marks. At least 45,000–50,000 troops from the Soviet controlled special DRA Army units that were trained in the USSR were returned to Afghanistan, including three brigades that began arriving after May 1989. Additionally, Soviet Uzbek and Tajik civilian experts, technicians and their families were settled in northern Afghanistan since the early-1980s and have yet to return to the USSR.

Similarly, in Cambodia, the Vietnamese "residual" forces are estimated at between 30,000 and 75,000 troops, mostly in small garrisons controlling key positions around the country. Further, Vietnamese officers from elite intelligence units remain in command of the Cambodian and Laotian key elite forces. In Cambodia, 400,000–950,000 Vietnamese settlers have their own 100,000-man militia. A comparable though smaller arrangement exists in Laos.

In Angola, Cuban pilots dominate the Air Force, while some 8,000–12,000 Cuban troops operate in Angolan uniforms. In addition, Cuban settlers have raised an 11,000-man strong militia. Further the Angolan Accords prohibit attacks against Cubans as they have agreed to withdrawal. Consequently, the Cubans exploited this by driving some of the resupply trucks in the latest offensive against Savimbi and Cuban units intermingled with FAPLA columns to deter UNITA from attacking them lest UNITA accidentally kill Cuban soldiers.

3. The Soviets and their allies retain unlimited access to the strategic infrastructure in these countries. Their hold over these installations is maintained by "advisers" and "civilian" technicians who provide all vital services including, at times, defense. Indeed, it is not by accident that after so many years of close cooperation with, and training by, the USSR, Cuba and Vietnam that nations such as Afghanistan, Angola, Laos and Cambodia lack technical manpower required to maintain their airports, airbases, main roads and harbors. Although almost all the local experts are totally committed to their government, the responsible tasks are still being performed by outside advisers. Such dependency will be deliberately continued for the foreseeable future.

4. The advocacy of withdrawal from regional conflict by the USSR and its allies is tied to firm statements of continued commitment to the client regimes. Thus, before leaving, the Soviets reiterate their intention to redeploy forces, if necessary, in order to save the local regimes from external intervention and aggression and thereby insure themselves a continued hand in the regime.

For example, the USSR repeatedly stated its commitment to the Kabul regime and a 5,000-troop quick intervention force was organized near the USSR's southern border. Indeed, during the March 6 coup attempt of General Tanai, Soviet forces intervened in order to save the Najib regime in Kabul. Six Soviet fighter-bombers were scrambled from Tajikistan and flew low over Kabul to demonstrate that the Najib regime could muster airpower to challenge Tanai's supporters. Further, on March 14, Najib disclosed that the USSR offered direct military assistance to save his regime, but that he had rejected it, adding that, "if we face foreign attack, that will be different."

Similarly, Hanoi has repeatedly stated that the withdrawal of Vietnamese troops does not reduce its commitment to the regime in Phnom Penh and it has also reiterated its intent to send troops back in order to secure this regime.

In the meantime, Havana has conditioned its withdrawal from Angola on the stability of the Luanda regime and has reiterated its intent to save it by force, if necessary. Indeed, fulfilling internationalist commitments remains a very strong ideological factor for all the governments and armed forces involved. (In fact, at the height of the winter 89–90 offensive against Savimbi, Cuba suspended its withdrawal and deployed forces to protect the Luanda government.)

5. The USSR and its allies press for the international recognition and legitimization of the regimes they leave behind, and special attention is paid to their acceptance as legitimate representatives of their peoples and countries in the world community.

A major effort is made for obtaining "national agreements" between client governments and their indigenous opponents, os-

tensibly to stop the fratricide and bloodshed. The call for such humanitarian considerations then proceeds from the presumption that the local regimes are legitimate and stable. Simultaneously, the local freedom fighters are portrayed as savages and perpetrators of atrocities against the prostrate civilian population.

Thus, for example, the Kabul regime, and not the resistance, was part of the Geneva Accords. UNITA was not part to the Angola-Namibia Accords and was absent from most of the African summits seeking solution to the Angola problem, and the Phnom Penh regime was permitted to take part in the Paris Conference while the resistance was excluded.

6. Simultaneously, the immediate pro-Western victim countries of Soviet policy are made preoccupied with internal terrorism so that they are incapable of, unwilling to, live up to their regional responsibilities. In this context, a compromise with the pro-Western regimes is sought so that the governments are left with no choice but to concentrate on their domestic problems.

An example of this would be the Soviet withdrawal from Afghanistan and the consolidation of the Kabul regime which was accompanied by an unprecedented escalation of KGB-WAD supported terrorism in Pakistan, including the assassination of President Ziaul Haq. Islamabad was urged to seek compromise with Kabul or face the self-destruction of Pakistan.

The Vietnamese withdrawal from Cambodia was also accompanied by a surge of Vietnam-supported Pak Mai and PLAT terrorism as well as Libya-supported Islamic separatist terrorism in Thailand. While additionally, the leading terrorist groups in southern Africa; ANC, PAC and SWAPO, have reiterated their commitment to escalate the revolutionary armed struggle against South Africa as a component of their African policy toward a final solution of the Angolan problem.

Thus, it would seem apparent that the vision of "peace breaking out all over" is a selective one and that the Soviets are providing the West with rose colored glasses to see that it is maintained. The increasing evidence that the Soviet Union is using "peace" in Europe as a distraction from its wider goals in the Third World cannot be denied. The only question that remains is whether or not Western statesmen will be seduced by that distraction.

(This paper may not necessarily reflect the views of all the members of the Republican Task Force on Terrorism and Unconventional Warfare. It is intended to provoke discussion.)

TASK FORCE ON TERRORISM & UNCONVENTIONAL WARFARE, HOUSE REPUBLICAN RESEARCH COMMITTEE,

Washington, DC.

THE RETURN OF PETER THE GREAT—A GRAND OVERVIEW OF THE EVOLVING SOVIET GLOBAL STRATEGY

(By Vaughn S. Forrest and Yossef Bohansky)

Motto: "Peter hastened the adoption of Western ways by barbarian Russia, not refraining from barbarian means to fight barbarism."—V.I. Lenin.

In the past year the world has seen unprecedented popular activism in the streets of Eastern Europe. Claims have been made for fundamental changes in the halls of power. The entire world is being swept into great hope and anticipation. On the surface, the USSR and Eastern Europe seem to be moving toward Western forms of economy and political pluralism. Are we facing a new era? Probably. Yet, still left to be determined is just how much of the change is substance and how much of the change is only in appearance.

The Gorbachev reforms in the USSR, especially in their more obvious manifestations, such as public debates in the Supreme Soviet or greater freedom of the press, combined with the emerging changes in Eastern Europe, have created the impression of fundamental changes in the Soviet Empire.

In the West, popular analysis of events in the USSR has concluded that Eastern Europe, and even the USSR itself, is joining the West in both socio-economical and even political terms.

As it has repeatedly done throughout its history, the Soviet Union is opening a window to the West. However, in the past, Russia did so in order to advance its technological level and solve dire economic problems rather than join the family of Western nations. This should be kept in mind considering that, at present, the USSR is in its worst economic crisis since World War II.

Recent changes in Europe and the Third World are definitely heartening, and in all likelihood are bound to improve the lives of the local populations. At the same time, though, there are strong indications that because of these changes, the US is facing major strategic and economic crises that could evolve into serious national security challenges.

The key to this is Moscow's belief that it can accelerate its surge for global supremacy without the threat of nuclear destruction and, consequently, without the need to compel the US into acquiescence through strategic nuclear threat.

Developments throughout the world should be judged in their proper historical perspective, for they are not disparate events in isolation from the overall situation surrounding them. Events, even the most dramatic, are influenced by historical processes and evolving situations. Therefore, events are significant only when they are grounded in an historical evolution that has a lasting effect on future developments.

Thus, the recent events in Eastern Europe are so dramatic because the peoples came out to the streets after long dormant periods. The masses, more than any other socio-political force, are the product of their communal political cultures, national traditions and motivations, religions and superstitions. These factors must be taken into consideration when studying these recent developments, for in Eastern Europe we saw genuine popular mobilizations where the masses rallied to an inner call, thus reflecting their own "traditions" rather than our own western socio-political logic.

THE LEGACY OF HISTORY

"Moscow," the Russians say, "is the Capital of History." This self-preoccupation with history determines Russia's own assessment of epoch making events. The reforms currently pushed forward by M.S. Gorbachev are not different in this respect. Thus, their true lasting significance and possible enduring legacy should be examined in the context of Russia's past experience with reforms. Most important, therefore, is the role of past reforms in the expediting of both Imperial Russia's and, after 1917, the USSR's rise into a super-power position.

Since the days of Peter the Great, Russia's accumulation of power has been associated with cycles of economic and political reforms based on a massive influx of western technology and, consequently, social influence. The reign of Peter the Great (1682–1725), in this context, was a milestone in Russia's modernization and ensuing rise to world power. Fundamental reforms aimed at the westernization of society were ultimately translated into military power and territorial expansion.

Indeed, Soviet historiography deals with the questions of nation building and profound reforms under contemporary conditions through the analysis of the legacy of Peter the Great. In his 1976 book, "Peter the First," N.I. Pavlenko highlighted the lasting significance of Peter's reforms in Marxist-Leninist terms. Peter's reforms were aimed at benefitting only a specific segment of the population, namely, the ruling elite and the military. "The class direction of the reforms does not preclude their enormous pan-national significance. They led Russia onto the road of accelerated economic, political, and cultural development; and they inscribed the name of Peter, the initiator of these reforms, in the Pleiad of outstanding statesmen of our country."

Russian historians observe that through reform, Peter the Great succeeded in adapting the pursuit of Russia's enduring "sacred mission" to prevailing conditions and methods. This development still determines the conduct of Russian foreign policy, explained M.N. Pokrovisky in his 1915 article, "The Historic Mission of Russia:" "Beginning with the reign of Peter," writes Pokrovisky, "Russian foreign policy was dominated by commercial capitalism. The struggle for trade routes became its chief concern." Subsequently, Peter the Great launched a series of wars aimed at expanding Russia.

Since then, successive Russian rulers have felt compelled to embark on a series of wars aimed at military conquest in order to actively and unilaterally prevent a possible threat to Russia's growing global strategic presence and interests. Indeed, in a 1898 study, "War in the History of the Russian World," N.N. Sukhotin of the Russian General Staff recorded with pride that between 1700 and 1870, Russia spent 106 years fighting 38 campaigns and that 36 of them were offensive and only 2 defensive. The then escalating drive into Central Asia was presented as a worthy continuation of this legacy.

The forcible modernization and westernization of Russian society launched by Peter the Great was aimed at facilitating Russia's rise to power. Even improvements in the standard of living of, and the granting of greater freedom to, the population were examined in the perspective of their ramifications for Russia's external power.

Again, M.N. Pokrovskiy explains "that in the days of Peter the Great the dilemma had been either the abolition of serfdom, or the conquest of new markets; now it's either full completion of the bourgeois revolution, the triumph of bourgeois relations in the Russian countryside, or a 'Great Russia' defeated at home but defeating abroad." There should be no doubt as to the policy to be adopted in case there emerged a conflict between the pursuit of the internal and external objectives. In Russia, there is no concept of guns versus butter, rather there is only guns and butter, if possible. As A.D. Menshikov said of the essence of adhering faithfully to Peter's reforms, "The peasants and the army are like soul and body; you cannot have one without the other."

The accelerating industrialization of the modern world made the economic factor inseparable from the inherent power of the state. The means for the realization of Rus-

sia's "Historic Mission" had to be adapted to meet the realities of the contemporary world. As M.N. Pokrovskiy argued, "Political conquests last only when they consolidate an economic supremacy that had been established, or was being established, earlier, in peacetime. In this, conquest and revolution are similar to each other: both give a legal form to the material conditions that already exist."

As indicated above, Russian rulers tended to generally neglect the internal economic factor in their drive for external achievements. Therefore, periods of concentrated economic and technological modernization, largely based on the influx of funds and technology from the West, became crucially significant to Russia's ability to sustain and increase its drive for power and dominance.

These principles still guide the USSR's policy. Contemporary Soviet historians continue to emphasize the enduring relevance and validity of national priorities as historically defined by Peter the Great. What is good for the nation always comes first and only after that are the interests of the individual citizen considered. Moreover, what is good for the nation is ultimately good for the people, even if their suffering increases in the process.

These tenets are still cogent, argues N.I. Pavlenko, in view of Peter the Great's historical legacy: "Peter was an autocratic tsar, who expressed the interests of his class, who planted the new and cleared away the old by barbarian means. He was a son of his age. But he was truly great because he cared about the fate of his country, about the growth of its power. What Peter accomplished, together with the people and again the people, exercised an enormous influence not only on the subsequent historical destiny of Russia, but also in part of Europe. Peter was and remains one of the great statesmen whose name belongs forever to his country and to history."

THE PRESENT CHALLENGE

The USSR still thinks and operates in historical long-term processes. This approach is currently institutionalized in the 20 year long Defense Cycle (1986-2005) and even in longer-range forecasting and planning. Soviet policy is Russian at its core as it retains almost unchanged many of the traditional facets of Imperial Russian policy. These include such fundamental issues as the concept of citizen-government relations, the overall land-dominated approach to grand-strategy and the firm belief in a Moscow-inspired historical mission and destiny of global magnitude. Therefore, past experience and traditional aspirations are key to the understanding of Gorbachev's "Russian" approach to reform.

Indigenous social change in the population of Russia, and the USSR as a whole, directly contribute to Moscow's traditionalist policy. Indeed, the revival of the Russian Orthodox Church is directly associated with the massive and popular resurgence of Slavophile and Russophile sentiments, and such sentiments have traditionally been dominated expansionist tendencies and a drive for global power.

Because of the current conditions of the USSR, these Russian revivalists have a highly significant input into Soviet Government decision making and behavior if only for domestic reasons. These relatively "Great" Russians constitute the bulk of the high quality manpower pool of the USSR and are thus the key to the modernization of the economy.

Moreover, although aspiring for the revival of Tsardom, these Russian chauvinists know and acknowledge that their only viable way to national influence is through the system. Russophiles aim at change in the Soviet Union by reforming the CPSU, not by replacing it. As Alla Latynina of "Literaturnaya Gazetta" suggests, it is not impossible that an opportunistic clique of the CPSU, searching for new passions to exploit, will seize Russian nationalism as a banner to champion in order to gain widespread popularity and grass-roots support. In this context, it should also be remembered that Stalin mobilized the USSR's population to extreme sacrifices in the darkest phase of the "Great Patriotic War" by invoking traditional Russian patriotism and nationalism.

A similar approach may prove to be Gorbachev's only means of reconciling the USSR's population to its current unprecedented economic crisis as well as into prodding it to contribute to the recovery of the economy. However, the invoking of the traditionalist Russian themes will logically have to entail a commitment to external achievements for the Motherland and not just an improvement in the standard of living.

Indeed, traditionally, Russophiles and Slavophiles have been opposed to westernization. In fact, their only enduring criticism of Peter the Great was for admitting Western culture into Mother Russia. "We began to be citizens of the world," warned N. Karamzin in the mid-19th century, "but we ceased in some measure to be citizens of Russia."

At present, Gorbachev cannot alienate the Russian chauvinists for fear of economic collapse. Moscow can exploit them to rejuvenate popular enthusiasm in themes and programs that the Party represents only as long as those themes and programs include a promise to advance the Glory of the Motherland. This means external triumphs.

The Soviet sensitivity to, and awareness of, the inherent power of popular sentiments is being constantly demonstrated in the USSR's novel approach to reform in Eastern Europe. Rhetoric aside, so far the essence of the reform has amounted to a largely nonviolent release of building popular tensions. Inside Eastern Europe, the population is still subjected to unprecedentedly acute shortages and general economic deprivation. Such pressures could have led to violent uprisings like these in East Germany (1953), Hungary (1956) and almost Poland (1980). Instead, by allowing the people into the streets, the USSR has emerged as the champion of change—that is, contained and controlled change—as the masses shout "Gorby! Gorby!". Moreover, for the first time since 1945, there is genuine popular support in Eastern Europe for good relations with Moscow. As such, Gorbachev's actions have closely followed Stalin's observation that "leaders come and go, while the people remain."

In the case of Romania, explains Lev Navrozov, "Ceausescu was overthrown in a military coup which the KGB-GRU had been preparing for about 6 months." It was imperative for Moscow that the Eastern bloc become more cohesive, even if in a non-communist form.

Even if externally incited in part, the outburst of crowd politics in Eastern Europe clearly reflected long-dormant genuine sentiments. However, the USSR was able to quickly exploit these developments in order to significantly further its grand strategic objectives. Consequently through the current upheaval in Europe, some rather disturbing elements of the USSR's grand strategy have been brought to the surface. These elements' objectives are well defined:

1. Massive modernization of the USSR's scientific-technological and economic infrastructure at the highest speed and the lowest investment through the channelling of Western Europe's revitalized economy into subsidizing the USSR on a protracted and no-condition basis.

2. The unification of Europe—made popular in the "Common European Home" theme—and the ensuing isolation of the US from the continent through the disruption of alliances and creation of major economic confrontations. (The INF crisis and the fight for the Gas Pipeline serve as precedents.)

3. The disruption of the further unification of Western Europe through the introduction of a sudden need to "expand Europe." This would be further complicated by the new East European urging for a common, unified Europe, faithfully repeating Gorbachev with one difference, the inclusion of the USSR, but with all in agreement on the exclusion of the USA.

4. A Soviet surge into the Third World by exploiting indigenous trends and local proxies in order to control strategic assets, vital resources and potential markets, thus creating a Western dependence on the USSR and its allies for access to these resources and markets. Such dependence can be utilized to induce Western Europe to increase its selfless assistance to the recovery of the Soviet economy.

5. Finally, a Soviet push in the Third World for the building of alliances with indigenous revivalist movements in order to contain yet at the same time control the rise of anti-Western radicalism, thus becoming the barrier against, and the key to, the safety of Europe, a major service for which the USSR will be capable of demanding a price.

These objectives can be summed up as a goal to create a unified, Soviet-dominated Europe strategically dependent on the USSR and economically serving it while isolated and alienated from the USA.

This perception of the Russian-European relationship has developed since the days of Peter the Great. For example, saving the civilized world from the Tatar onslaught was considered part of Russia's historical obligation is a recurring theme. As S.L. Tikhvinskiy remarked in a "Sovetskaya Rossiya" article in mid-1984, the West "rejects the historical role which the peoples of our country played in saving European culture from the Tatar-Mongol invasion, and does not appreciate the extent of Russian commitment and sacrifice."

Tikhvinskiy explained that the cultural development of Russia fell behind that of Western Europe when Russia "had taken upon itself the brunt of attack by the Mongol aggressors, protecting Western Europe. The subsequent development of European civilization was paid for by the heavy sacrifice of the Russian people. Under favorable conditions, Europe went forward to the Renaissance, the Reformation, and so on, without expending its efforts on fighting the Tatar-Mongol hordes, as Russia had to do. 'Western Europe was, and still remains, in irredeemable debt to our homeland,' noted N.N. Molchanov most righteously and correctly.'" (N.N. Molchanov wrote the above in his 1984 book, "The Diplomacy of Peter the First.")

Russia is about to save Europe again either from the Third World, or from its westernized-self. It is Moscow's historical duty. But this time Europe will pay its historical dues fully to an assertive and self-confident So-

viet Union. Most important, Russians do not compromise on the executing of their historical duties and the realization of their historical destiny.

CONSEQUENCES

The USSR is still committed to the isolation and containment of the US as the key to its ultimate rise to global prominence. Moscow believes that it has already acquired the military power needed for the attainment of these objectives through military means, and that this trend is irreversible. [Recent trends in Soviet military doctrine are discussed in a separate paper—YB] However, being apprehensive about the horrendous consequences of a nuclear war, the Soviets currently augment their strategic drive with efforts to attain their objectives through economic means.

Instead of merely challenging the trans-Atlantic strategic alliance, Moscow strives to transform U.S. relations with Europe (both West and East) from the familiar direct confrontation (with its military connotations) associated with the Cold War to an economic rivalry hailed as the beginning of a new era of global peace (so that no Western politican can afford to challenge the trend).

Soviet analysis of political-economic trends in the West suggests that a commercial "struggle" between the U.S. and Western Europe, especially in the Eastern markets, will quickly result in growing tensions and hostility exceeding by far the current tensions between the U.S. and Japan while leaving some level of global cordiality. Such a development would drive a fundamental wedge between the U.S. and Europe without a single strategic alliance or treaty being directly challenged or undermined by the U.S.S.R., thus making the collapse of Western unity an internal affair. The widespread call for a unified Europe and a single intertwined economy serves these Soviet interests.

At this late stage of the game, the U.S. has already limited its options through inaction. It is getting quite too late to warn Western Europe about the long-term ramifications of the changes advocated by Gorbachev. The U.S. cannot object too much to the emerging reunification of Europe because too heavy handed an approach will only rally Europeans together against a common enemy—the U.S.

There is, however, a major field for strategically important action. That field is the Third World, (Africa, South-West Asia and the Near East, the Pacific Rim and Ocean countries, as well as Latin America,) and the U.S. must lead the political, military and economic race into that region.

The Third World contains the global reserves of vital natural resources, markets and manpower for development. At present, the Western economy is dependent on these assets and the lines of communication connecting them. There is no reason why the U.S., whose national economy and growth are also dependent on access to the Third World, should lose or give up the race for this prize.

As indicated elsewhere [Crusader paper—YB], the Third World is being actively manipulated and directed into an anti-U.S./anti-West policy. If such a trend is allowed to mature, the Third World will gradually join the Moscow-inspired grand design if only as a viable means of uniting against a common enemy—the U.S.

On the other hand, a U.S. activist surge into the Third World can achieve the following: 1. Reduction of the explosive anti-U.S. hostility; 2. Securing the availability of resources and assets for the development of U.S. economy; and 3. Create a West European dependence on the U.S. for its economic relations with the Third World that will serve to counter-balance the Soviet surge in Europe.

(This article may or may not express the views held by all the members of the GOP Task Force on Terrorism and Unconventional Warfare.)

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

Mr. McCOLLUM. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to compliment my friend, the gentleman from Florida [Mr. McCOLLUM], on a very fine amendment, and something that is just common sense. If the Soviets have enough money to continue aid to Cuba, a country that has been a big pain in the bottom side of the United States, and particularly our State of Florida, then they certainly do not need any aid of any kind from the United States.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, this morning members of the Committee on Foreign Affairs met with Boris Yeltsin, and what the new President of the Russian Republic said was clear, direct, and specific: The United States should set ideological conditions on aid to the Soviet Union, and Russia will not send any more aid to foreign countries, including Cuba.

Mr. Chairman, this amendment tells the Soviet Union that they have to cut off aid to Castro's Cuba if the Soviets want to receive any assistance from the United States. The brutal regime of Communist Castro must be eliminated, and the cutoff of Soviet aid to Cuba is a step in the right direction.

Mr. Chairman, how can we allow U.S. taxpayer dollars to subsidize a dictator who has engaged in terrorism, torture, murder, drug trafficking, and countless other crimes? The United States should not indirectly underwrite this murderous thug.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

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

RECORDED VOTE

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

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The first vote will be on the Kyl amendment, as amended. That will be a 15-minute vote. The second vote, which will be on the McCollum amendment, will be a 5-minute vote.

AMENDMENT OFFERED BY MR. KYL

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Arizona [Mr. KYL], as amended, on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 374, noes 41, as follows:

[Roll No. 176]

AYES—374

Ackerman	Donnelly	Jefferson
Allard	Dooley	Jenkins
Anderson	Doolittle	Johnson (CT)
Andrews (ME)	Dorgan (ND)	Johnson (SD)
Andrews (NJ)	Dornan (CA)	Johnson (TX)
Andrews (TX)	Downey	Johnston
Annunzio	Dreier	Jones (GA)
Anthony	Duncan	Jones (NC)
Applegate	Durbin	Jontz
Archer	Dwyer	Kanjorski
Armey	Early	Kaptur
Atkins	Edwards (CA)	Kasich
AuCoin	Edwards (OK)	Kennedy
Bacchus	Edwards (TX)	Kennelly
Baker	Emerson	Kleczka
Ballenger	Engel	Klug
Barnard	English	Kolbe
Barrett	Erdreich	Kolter
Barton	Espy	Kyl
Bateman	Evans	LaFalce
Bennett	Fascell	Lagomarsino
Bentley	Fazio	Lancaster
Bereuter	Feighan	Lantos
Bevill	Fields	LaRocco
Bilbray	Fish	Laughlin
Bilirakis	Ford (MI)	Leach
Bliley	Ford (TN)	Lehman (CA)
Boehlert	Frank (MA)	Lehman (FL)
Boehner	Franks (CT)	Lent
Bonior	Frost	Levin (MI)
Borski	Gallegly	Lewis (CA)
Boucher	Gallo	Lewis (FL)
Boxer	Gaydos	Lightfoot
Brewster	Gejdenson	Lipinski
Brooks	Gekas	Livingston
Broomfield	Gephardt	Long
Browder	Geren	Lowery (CA)
Brown	Gibbons	Lowey (NY)
Bruce	Gilchrest	Luken
Bryant	Gillmor	Machtley
Bunning	Gilman	Manton
Burton	Gingrich	Markey
Bustamante	Glickman	Marlenee
Byron	Goodling	Martin
Callahan	Gordon	Matsui
Camp	Goss	Mavroules
Campbell (CA)	Gradison	Mazzoli
Campbell (CO)	Grandy	McCandless
Cardin	Green	McCloskey
Carper	Guarini	McCollum
Carr	Gunderson	McCrery
Chandler	Hall (OH)	McCurdy
Chapman	Hall (TX)	McDade
Clement	Hancock	McDermott
Clinger	Hansen	McEwen
Coble	Harris	McGrath
Coleman (MO)	Hastert	McMillan (NC)
Coleman (TX)	Hatcher	McMillen (MD)
Collins (IL)	Hayes (LA)	McNulty
Collins (MI)	Hefley	Meyers
Combest	Hefner	Mfume
Condit	Henry	Michel
Cooper	Herger	Miller (OH)
Costello	Hertel	Miller (WA)
Coughlin	Hoagland	Mineta
Cox (CA)	Hobson	Moakley
Cox (IL)	Hochbrueckner	Molinari
Coyne	Holloway	Mollohan
Cramer	Horn	Montgomery
Crane	Horton	Moody
Cunningham	Hoyer	Moorhead
Dannemeyer	Hubbard	Morella
Darden	Huckaby	Morrison
Davis	Hughes	Mrazek
de la Garza	Hunter	Murphy
DeFazio	Hutto	Murtha
DeLauro	Hyde	Myers
Derrick	Inhofe	Natcher
Dickinson	Ireland	Neal (MA)
Dicks	Jacobs	Neal (NC)
Dingell	James	Nichols

Nowak
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Weber
Weldon
Whitten
Wilson
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—41

Abercrombie
Alexander
Aspin
Beilenson
Berman
Clay
Dellums
Dixon
Dymally
Flake
Foglietta
Gonzalez
Hamilton
Hayes (IL)
Houghton
Kildee
Kopetski
Kostmayer
Lewis (GA)
McHugh
Miller (CA)
Mink
Moran
Nagle
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Roybal
Sanders
Savage
Skaggs
Smith (IA)
Washington
Weiss
Wheat
Williams
Wolpe
Yates

NOT VOTING—17

Conyers
DeLay
Eckart
Fawell
Gray
Hammerschmidt
Hopkins
Levine (CA)
Lloyd
Martinez
Oakar
Oberstar
Serrano
Spence
Torricelli
Waxman
Wise

□ 1707

Messrs. PAYNE of New Jersey, CLAY, and OWENS of New York changed their vote from "aye" to "no."

Mr. KENNEDY and Mrs. PATTERSON changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCCOLLUM

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The pending business is the vote on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] on which a recorded vote is ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 386, noes 29, not voting 17, as follows:

[Roll No. 177]

AYES—386

Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Evans
Fascell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—29

Abercrombie
Campbell (CO)
Clay
Collins (MI)
Dellums
Dymally
Espy
Gonzalez
Hayes (IL)
Houghton
Kostmayer
Lewis (GA)
Mfume
Moran
Nagle
Obey
Owens (NY)
Payne (NJ)
Rangel
Roybal
Sanders
Savage
Smith (IA)
Stokes
Torres
Washington
Waters
Wheat
Yates

NOT VOTING—17

Conyers
DeLay
Dingell
Fawell
Feighan
Gingrich
Gray
Hammerschmidt
Hopkins
Levine (CA)
Lloyd
Martinez
Oberstar
Serrano
Spence
Torricelli
Towns

□ 1715

Mr. BEILENSON changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Chairman, I take this time so that we might have a quick colloquy with the majority leader to inform the membership as to how we intend to proceed for the balance of this evening and tomorrow.

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

Mr. MICHEL. I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding. We thought it might be well to give Members a sense of how we want to proceed tonight and tomorrow. We will try to finish this bill by about 7 o'clock. We hope that that can be done, and if

Members who have amendments and want to talk about amendments could restrain the debate as much as possible, it is possible, we think, to get the bill done by that time. However, if it is not done and likely to be done on or about that time, we will then move to the foreign operations appropriations bill and try to finish it tonight. We think that will take about 4 hours, so Members should expect to be here until 11 or maybe midnight tonight.

Tomorrow we will then take up the bill we are working on now if it is not finished, and try to finish it. We have one additional matter on water reclamation that we may or may not be able to deal with tomorrow. We will try to get Members out of here at an early, reasonable time in the midafternoon.

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

Mr. MICHEL. I yield to the gentleman from Florida, the distinguished chairman of the committee.

Mr. FASCELL. Mr. Chairman, let me say with regard to the pending bill that we have now completed title VIII. We are in title IX as soon as it is designated by the Clerk. The first two amendments have been agreed to, and no votes will be requested on the gentleman's side as far as I know.

The next amendment is on Kashmir, and the next one after that is on India. We expect votes on both of those. They could go 40 minutes and then a vote. We would then be in title X, and as far as we know, there is only one amendment there, and we are not sure where that is right now. Only the proposed sponsor might be able to tell Members. That is one amendment there. The other is an agreed upon amendment. If the gentleman from Nebraska [Mr. BEREUTER] does not ask for a rollcall vote on that one, we will have that one done. We would then be in title XI which, as far as I know, has only one amendment in it.

So there is a possibility with a little help to get this done tonight.

Mr. MICHEL. Mr. Chairman, I thank the gentleman for the information.

The CHAIRMAN pro tempore. The Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—ASIA AND THE PACIFIC

CHAPTER 1—EAST ASIA AND THE PACIFIC

SEC. 901. BURMA.

(a) CONSIDERATIONS IN FURNISHING ASSISTANCE AND MAKING MILITARY SALES.—During fiscal years 1992 and 1993, in determining whether to furnish assistance to Burma under the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954 (other than emergency humanitarian assistance under either such Act), and whether to make any sales of defense articles or defense services to Burma under the Defense Trade and Export Control Act, the President shall take into account whether—

(1) the Government of Burma has—

(A) ceded legal authority to a civilian government as mandated by the elections of May 1990;

(B) released persons arrested for the peaceful expression of their political views, including Aung San Suu Kyi and other leaders of the National League for Democracy; and

(C) ceased harassment of persons and political parties attempting to exercise freedoms of expression, association, and assembly; and

(2) the President has made a certification concerning Burma under section 4402 of the Foreign Assistance Act of 1961.

(b) NOTIFICATION REQUIREMENT.—During fiscal years 1992 and 1993, the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961, at least 15 days before—

(1) obligating funds for any assistance for Burma under the Foreign Assistance Act of 1961 (other than emergency humanitarian assistance); or

(2) issuing a letter of offer to sell any defense articles or defense services to Burma under the Defense Trade and Export Control Act.

(c) STATEMENT OF CONGRESS REGARDING ECONOMIC SANCTIONS AGAINST BURMA.—

(1) FINDINGS.—The Congress finds that—

(A) Burma has failed to meet the conditions set forth in section 138 of the Customs and Trade Act of 1990 (104 Stat. 653), including that it meet the certification requirements listed in section 802(b) of the Narcotics Control Trade Act, that it transfer authority to a civilian government, that it lift martial law, and that political prisoners be released;

(B) the President has submitted a report to the Congress indicating that Burma has not met these conditions;

(C) section 138 of the Customs and Trade Act of 1990 authorizes the President to impose economic sanctions on Burma that he determines to be appropriate if the conditions set forth in section 138 of that Act are not met;

(D) section 138 of that Act directs the President to give primary consideration to the imposition of sanctions on those products which constitute major imports from Burma, including fish, tropical timber, and aquatic animals;

(E) imposition of such sanctions would communicate to the Burmese authorities the continued determination of the United States to promote a democratic transition in Burma, and might encourage other countries to adopt similar measures;

(F) the multilateral imposition of economic sanctions upon Burma would bring considerable pressure to bear on the Burmese authorities, and might help to foster democratic reforms; and

(G) the President has yet to make a determination of whether to impose economic sanctions under section 138 of the Customs and Trade Act of 1990.

(2) STATEMENT OF THE CONGRESS.—The Congress would welcome decisions by the President—

(A) to impose economic sanctions upon Burma under section 138 of the Customs and Trade Act of 1990, giving primary consideration to the imposition of sanctions on those products which constitute major imports from Burma; and

(B) to call upon other industrialized countries to impose similar sanctions upon Burma.

SEC. 902. CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) the Government and people of the United States remain unalterably opposed to the return to power by the Khmer Rouge and believe that those responsible for the genocide in Cambodia in the 1970's, including Pol Pot, should be held accountable, through appropriate mechanisms, for their barbaric crimes;

(2) a comprehensive political settlement of the Cambodian conflict remains the best available way of achieving the objectives of the United States toward that country, that is, preventing the Khmer Rouge from returning to power, facilitating self-determination, independence, peace, and prosperity for the Cambodian people, and bringing an end to Cambodia's role as a pawn in geopolitical struggles;

(3) the approach to a comprehensive settlement in Cambodia developed by the 5 permanent members of the United Nations Security Council during 1990, with the significant contributions of Indonesia, Australia, Japan, and the United Nations Secretariat, meets at least the minimum interests of all parties to the Cambodian conflict and those of the Cambodian people;

(4) the United States supports the principle of freedom of political choice for the Cambodian people, including noncommunist and democratic alternatives to the two current but competing communist political movements;

(5) the United States is prepared to work with the current leadership in Phnom Penh should the Cambodian people choose it through free and fair elections to lead a new Cambodian government;

(6) the Cambodian people, particularly women and children, should not be denied basic humanitarian necessities before the conclusion of a comprehensive political settlement; and

(7) the Government of the United States has made a serious and significant effort to make explicit to Vietnam and the Phnom Penh regime the willingness of the United States to lift the economic embargoes and normalize relations if they agree to the political settlement proposed by the 5 permanent members of the United Nations Security Council, bearing in mind in the case of Vietnam that the pace and scope of the normalization process will be directly affected by Hanoi's cooperation on the POW/MIA issue and other humanitarian concerns.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Government of Vietnam and the Phnom Penh regime should negotiate in good faith on the draft text developed by the 5 permanent members of the United Nations Security Council and the Paris Conference Cochairmen regarding a settlement of the Cambodian conflict, with the intention to reach final agreement at the earliest possible moment, and all parties to the conflict should consider seriously any reasonable elaborations of the draft text which may be proposed;

(2) as a party to the Genocide Convention, the United States affirms that genocide is a crime under international law which it undertakes to prevent and punish, and calls upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide in Cambodia; and

(3) the interests of noncommunist Cambodian organizations and of the Cambodian people are best served by those organizations devoting themselves to political efforts rather than offensive military initiatives.

(c) HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR CAMBODIA.—

(1) AUTHORIZATION.—Of the funds made available for fiscal years 1992 and 1993 for de-

velopment assistance and economic support assistance, not more than $20,000,000 for each such fiscal year may be made available for humanitarian and development assistance for Cambodians along the Thai-Cambodian border, and throughout Cambodia, notwithstanding any other provision of law.

(2) DEFINITION.—For purposes of this subsection, the term "humanitarian assistance" includes food, clothing, medicine, and other humanitarian assistance, but such term does not include the provision of weapons, weapon systems, ammunition, any other equipment, vehicles, or material which can be used to inflict serious bodily harm or death, or any other item which is used solely for military conflict.

(3) DISTRIBUTION OF ASSISTANCE FOR CAMBODIANS ALONG THE THAI-CAMBODIAN BORDER.—Humanitarian and development assistance under this subsection that is provided for Cambodians along the Thai-Cambodian border may be provided through noncommunist Cambodian organizations and private voluntary organizations, so long as the President has not determined that specific groups or military units providing such assistance are cooperating militarily with the Khmer Rouge.

(4) LIMITATION ON HUMANITARIAN AND DEVELOPMENT ASSISTANCE TO CAMBODIANS IN AREAS CONTROLLED BY THE PHNOM PENH REGIME.—Before the conclusion of an international agreement acceptable to the United States with respect to a political settlement in Cambodia, funds allocated under this subsection for humanitarian and development assistance for Cambodians in areas of Cambodia under the control of the Phnom Penh regime may be provided only through international agencies and United States private and voluntary organizations.

(d) PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE.—Notwithstanding any other provision of law, none of the funds made available to carry out this section may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia or elsewhere in Indochina.

(e) HUMANITARIAN ASSISTANCE TO CHILDREN.—Of the funds made available for each of the fiscal years 1992 and 1993 for assistance under the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, to provide humanitarian assistance to children and war victims in Cambodia, except that, until the conclusion of an international agreement acceptable to the United States regarding a settlement of the Cambodian conflict, such assistance shall be provided through international relief agencies and United States private voluntary organizations.

(f) TRAINING OF NONCOMMUNIST CAMBODIANS.—Notwithstanding any other provision of law, the President may use such funds as may be necessary from funds made available for development assistance and economic support assistance for fiscal years 1992 and 1993 to provide, through the United Nations or otherwise, for the nonmilitary training of noncommunist Cambodians who are outside of Cambodia, including Cambodians in the United States, in appropriate skills that would be used by them upon returning to Cambodia in the context of an internationally acceptable political settlement in that country.

(g) INTERNATIONAL RELIEF PROGRAM FOR CAMBODIA.—Notwithstanding any other provision of law, the President may use such funds as may be necessary from funds made available under the Foreign Assistance Act of 1961 for fiscal years 1992 and 1993 for contributions and programs by the United States as part of an international program of relief (including resettlement and rehabilitation) and reconstruction in Cambodia in the context of an internationally acceptable political settlement in that country.

(h) CLARIFICATION OF AUTHORITIES GRANTED.—

(1) EARMARKINGS OF FUNDS NOT AFFECTED.—Nothing in this section supersedes any provision of this Act or the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that earmarks funds for a specific country, region, organization, or purpose.

(2) APPROPRIATIONS ACT LIMITATIONS NOT AFFECTED.—Nothing in this section supersedes any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that specifically refers to the assistance authorized by this section and establishes limitations with respect to such assistance.

(3) REPROGRAMMING REQUIREMENTS NOT AFFECTED.—Nothing in this section supersedes the requirements of section 6304 of the Foreign Assistance Act of 1961 or any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that requires prior notification to congressional committees of proposed reprogrammings of funds.

SEC. 903. PROHIBITION ON MILITARY ASSISTANCE TO FIJI.

No foreign military financing assistance and no international military education and training which is made available for fiscal year 1992 or fiscal year 1993 may be provided to Fiji unless the President certifies to the Congress that Fiji has held elections in which there has been broad participation by all communities in Fiji.

SEC. 904. MALAYSIA.

(a) FINDINGS.—The Congress finds that—

(1) the United States and Malaysia have a long tradition of friendship based on common commitments to democratic government, a free market economy, international peace and stability, and humane treatment of asylum-seekers;

(2) these common interests and commitments were most recently reflected in the endorsement by the Malaysian Government of the goal of removing Iraq from Kuwait and its vote in support of United Nations Security Council Resolution 678, which authorized the use of force to obtain that goal;

(3) ensuring temporary refuge for persons seeking asylum from acts of persecution is an international humanitarian obligation incumbent upon governments of all nations;

(4) in June 1989, the governments of 29 nations affirmed this principle in the "Comprehensive Plan of Action for Indochinese Refugees";

(5) the Comprehensive Plan of Action also provided for implementation of a refugee determination process, commitments by resettlement countries to resettle all those determined to be refugees, a program of voluntary repatriation for those determined not to be refugees, and a commitment by the Government of Vietnam to discourage clandestine departure and expand access to legal emigration through the Orderly Departure Program established by the United Nations for legal departure from Vietnam;

(6) the Government of Malaysia has traditionally maintained humane policies toward Indochinese asylum-seekers, permitting hundreds of thousands temporary refuge over the past 16 years;

(7) the Government of Malaysia chaired the international conference at which the Comprehensive Plan of Action was adopted, and expressed its willingness to abide by the commitments reflected in that plan;

(8) despite Malaysia's traditional tolerance toward asylum-seekers and its active role in the formulation of the Comprehensive Plan of Action, the Government of Malaysia has abandoned the policy of offering first asylum to Indochinese asylum-seekers, and has denied refuge to some 11,000 Indochinese asylum-seekers over the past 2 years;

(9) the actions of the Malaysian Government are in conflict with basic internationally recognized humanitarian standards, and expose innocent civilians to the risk of death on the high seas; and

(10) the actions of the Malaysian Government have imposed considerable burdens on Indonesia, which has maintained the policy of first asylum and has received an overwhelming majority of Indochinese asylum-seekers denied refuge in Malaysia.

(b) STATEMENT OF THE CONGRESS.—The Congress—

(1) welcomes the endorsement of the Malaysian Government of the goal of removing Iraq from Kuwait and its vote in support of United Nations Security Council Resolution 678, which authorized the use of force to obtain that goal;

(2) expresses its deep distress and concern about the policy and practice of the Government of Malaysia of denying first asylum to Indochinese asylum-seekers;

(3) urges the Government of Malaysia to reestablish the policy of first asylum and thereby to bring its practices into conformity with internationally recognized humanitarian standards;

(4) expresses its appreciation to the Government of Indonesia for maintaining its commitment to first asylum; and

(5) expresses its readiness to support efforts to provide supplemental assistance to Indonesia to accommodate the increased burden on that country that has resulted from the denial of first asylum by Malaysia.

SEC. 905. SOUTH PACIFIC REGIONAL PROGRAM.

(a) ALLOCATION OF FUNDS FOR SOUTH PACIFIC REGIONAL PROGRAM.—The President shall allocate the amount of funds requested for the South Pacific regional program under the Foreign Assistance Act of 1961 for fiscal year 1992 in the congressional presentation materials for such fiscal year, unless the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 6304 of that Act.

(b) ADDITIONAL FUNDS.—

(1) IN GENERAL.—In addition to the funds referred to in subsection (a), not less than $10,000,000 of the funds described in paragraph (2) shall be made available for the South Pacific regional program.

(2) SOURCE OF FUNDS.—The funds from which amounts are to be made available under paragraph (1) are—

(A) any funds made available for fiscal year 1992 for development assistance, or for economic support assistance, in amounts equal to the amounts requested for such assistance for Pakistan for fiscal year 1992 in the congressional presentation materials for such fiscal year, if a certification under section 620E(e) of the Foreign Assistance Act of 1961 is not in effect on September 30, 1991; or

(B) any funds made available for fiscal year 1992 for development assistance, economic support assistance, or international

disaster assistance, which are allocated for Asia and the Pacific, if a certification referred to in subparagraph (A) is in effect on September 30, 1991.

(c) FUNDING FOR FISCAL YEAR 1993.—Not less than the amounts made available for fiscal year 1992 for the South Pacific regional program under the Foreign Assistance Act of 1961 shall be made available for fiscal year 1993 for the South Pacific regional program.

(d) FUNDS FOR SCHOLARSHIPS.—Of amounts made available under this section, not less than $2,000,000 of development assistance funds shall be available for each of the fiscal years 1992 and 1993 only for scholarships for study at postsecondary institutions of education in the United States.

SEC. 906. TAIWAN'S CONTRIBUTIONS TO OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) FINDINGS.—The Congress finds that—

(1) Operation Desert Shield and Operation Desert Storm are expected to cost more than $45,000,000,000;

(2) the United States repeatedly appealed to the international community to share the costs resulting from Operation Desert Shield and Operation Desert Storm;

(3) Taiwan offered the United States $100,000,000 to help cover the costs resulting from Operation Desert Shield;

(4) the United States rejected Taiwan's offer;

(5) Taiwan provided approximately $30,000,000 to Middle Eastern nations adversely impacted by Iraq's invasion of Kuwait;

(6) Taiwan abided faithfully with the United Nations sanctions against Iraq;

(7) the Peoples' Republic of China abstained from voting on United Nations Security Council Resolution 678, which established January 15, 1991, as the deadline for Iraq's withdrawal from Kuwait and authorized coalition forces to use all means necessary to restore international peace and security to the region; and

(8) the Federal budget deficit for fiscal year 1991 will exceed $318,000,000,000.

(b) POLICY DECLARATIONS.—The Congress—

(1) commends Taiwan for sharing in the international responsibilities associated with Operation Desert Shield and Operation Desert Storm; and

(2) calls on the President to accept future contributions from Taiwan for multinational operations, like Operation Desert Shield and Operation Desert Storm, regardless of the positions of the People's Republic of China.

SEC. 907. COOPERATION ON POW/MIA ISSUE.

(a) FINDINGS.—The Congress finds that—

(1) there are still over 2,200 Americans unaccounted for in Southeast Asia;

(2) by not knowing the fates of their loved ones, the families of those unaccounted for in Southeast Asia have suffered tremendous hardship;

(3) the United States made a commitment that resolving the fates of Americans unaccounted for in Southeast Asia was a matter of the highest national priority; and

(4) the United States must reaffirm that commitment and fulfill its promise to the families of our missing Americans.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the United States should—

(A) continue to give the highest national priority to accounting as fully as possible for Americans still missing in Southeast Asia and to negotiating the return of any Americans still held captive in Southeast Asia; and

(B) heighten public awareness of the Americans still missing in Southeast Asia through the dissemination of factual data, including access by primary next of kin to all records concerning their relatives missing in Southeast Asia, to the extent that the disclosure of such records does not reveal sources and methods of intelligence collection; and

(2) progress on accounting for Americans still missing in Southeast Asia and other humanitarian issues will affect the pace and scope of the process of normalizing relations between the United States and Vietnam.

(c) SUPPORT OF HUMANITARIAN PROJECTS IN LAOS.—It is the further sense of the Congress that, consistent with section 4402 of the Foreign Assistance Act of 1961, the President should use available authority and appropriations to provide up to $200,000 in fiscal year 1992 and up to $200,000 in fiscal year 1993 for support of humanitarian projects in Laos associated with joint United States-Laotian cooperative efforts to resolve questions concerning Vietnam era prisoners of war or those missing in action.

SEC. 908. ADMISSION OF ASIAN COUNTRIES INTO THE OECD.

(a) FINDINGS.—The Congress finds that—

(1) the Republic of Korea, Taiwan, Hong Kong, and Singapore all now have gross national products at per capita levels that exceed those of some of the least developed members of the Organization for Economic Cooperation and Development (hereinafter in the section referred to as the "OECD");

(2) these Asian countries and territories have a substantial interest in furthering the health of the world economy and should assume a more prominent role in managing regional and global economic affairs; and

(3) the ideals of the OECD, namely liberalized trade and investment flows, assistance to the developing countries, and better coordination of national economic policies, are goals that should be strongly embraced and promoted by the newly industrialized countries and territories in Asia.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should encourage the OECD to actively undertake the process of study and consultation appropriate to consider for membership in the OECD the Governments of the Republic of Korea, Taiwan, Hong Kong, and Singapore.

SEC. 909. ASSISTANCE TO DISPLACED BURMESE IN THAILAND AND BURMA.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law, $1,000,000 of the funds described in subsection (b) shall be used for humanitarian assistance for displaced Burmese nationals in Thailand and Burma. Funds for such humanitarian assistance shall be administered by the same bureau in the Department of State that administers migration and refugee assistance.

(b) SOURCE OF FUNDS.—The funds from which amounts are to be used under subsection (a) are—

(1) any funds made available for fiscal year 1992 for development assistance, or for economic support assistance, in amounts equal to the amounts requested for such assistance for Pakistan for fiscal year 1992 in the congressional presentation materials for such fiscal year, if a certification under section 620E(e) of the Foreign Assistance Act of 1961 is not in effect on September 30, 1991; or

(2) any funds made available for fiscal year 1992 for development assistance, economic support assistance, or international disaster assistance, which are allocated for Asia and the Pacific, if a certification referred to in paragraph (1) is in effect on September 30, 1991.

(c) CERTAIN RESTRICTIONS NOT APPLICABLE.—Section 4402 of the Foreign Assistance Act of 1961 shall not apply with respect to the humanitarian assistance for displaced Burmese nationals provided for in this section.

(d) REPROGRAMMING REQUIREMENTS NOT AFFECTED.—Nothing in this section supersedes the requirements of section 6304 of the Foreign Assistance Act of 1961 or any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that requires prior notification to congressional committees of proposed reprogrammings of funds.

SEC. 910. ARMS TRANSFERS BY THE PEOPLE'S REPUBLIC OF CHINA TO IRAN, IRAQ, LIBYA, PAKISTAN, AND SYRIA.

(a) PROHIBITION.—In any calendar year, sales may not be made to the People's Republic of China under the Defense Trade and Export Control Act, and licenses may not be issued under section 38 of that Act for the export to the People's Republic of China, of any item on the United States Munitions List for military end-users if the President has determined that there is convincing, credible evidence that—

(1) any United States defense article or technology (including United States licensed technology) was used in—

(A) a cruise missile or ballistic missile,

(B) a advanced fighter aircraft, or

(C) a major component or technology for any such missile or aircraft,

and was transferred willingly to Iran, Iraq, Libya, Pakistan, or Syria by the People's Republic of China in the previous calendar year in contravention of the Defense Trade and Export Control Act or regulations issued under section 38 of that Act; or

(2) any chemical weapon, or any material, equipment, or technology intended for use by a military end-user for any nuclear explosive device, or for research on or development of any nuclear explosive device, was transferred willingly to Iran, Iraq, Libya, Pakistan, or Syria by the People's Republic of China in the previous calendar year.

(b) EXCEPTION.—The prohibitions contained in subsection (a) shall not apply to sales or exports of systems or components designed specifically for inclusion in civil products and controlled as defense articles only for purpose of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

CHAPTER 2—SOUTH ASIA

SEC. 921. ASSISTANCE FOR AFGHANISTAN.

The President may make available funds authorized to be appropriated for development assistance and economic support assistance for the provision of food, medicine, or other humanitarian assistance to the Afghan people and for the development and implementation of long-range bilateral and multilateral reconstruction efforts for Afghanistan and the establishment of a broad-based freely-elected Afghan Government. Assistance under this section may be provided notwithstanding any provision of law that would otherwise prohibit such assistance to Afghanistan.

SEC. 922. MINES IN AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) Afghan Government forces and the mujahedeen continue to lay anti-personnel and anti-vehicular land mines;

(2) in most cases, neither the Afghan Government nor the mujahedeen record the location of the mines;

(3) these mines are generally placed without customary precautions, and are un-

marked or are not designated to destroy themselves within a reasonable time;

(4) the value of mine awareness projects, which have been the primary focus of mine clearance projects undertaken so far, has been limited due to a lack of information that might come from extensive surveying; and

(5) resources devoted to such surveying have been inadequate.

(b) STATEMENT OF THE CONGRESS.—The Congress urges that—

(1) the Governments of the Soviet Union, Afghanistan, and the United States, as well as representatives of the mujahedeen, agree, in accordance with the spirit of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (the "Land Mines Protocol"), to make available through the United Nations information on mine location in Afghanistan necessary to protect civilians from the effects of mines, as well as information on how these devices can be safely neutralized;

(2) the United Nations work closely with specialist demining agencies, such as the Mines Advisory Group in Peshawar, Pakistan, to develop a strategy for locating and removing mines in Afghanistan that includes the creation of technical working groups consisting of recognized experts from the military, commercial, and engineering sectors;

(3) mine clearance programs in Afghanistan be monitored to ensure that mines are destroyed and not resold, and should be required to keep detailed records stored with the United Nations; and

(4) any efforts to promote repatriation to Afghanistan of displaced persons take into account the importance of mine surveying and mine clearance so as to minimize the risks to those who return to that country.

SEC. 923. UNITED STATES-SOVIET DIALOGUE ON A POLITICAL SETTLEMENT IN AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) since September 1989, the United States and the Soviet Union have been engaged in high-level discussions on a political settlement in Afghanistan;

(2) both the United States and the Soviet Union have expressed their support for a United Nations-assisted political transition process in Afghanistan leading to the creation of a government that reflects the will of the majority of the people of Afghanistan;

(3) at various times over the past several years, both the United States and the Soviet Union have expressed support for a mutual termination of all military assistance to Afghanistan;

(4) the United States has made the most recent proposal for an early and effective mutual termination of military assistance, which the Soviet Union has not accepted; and

(5) a mutual, early, and effective termination of military assistance would signal United States and Soviet commitment to a peaceful political settlement, substantially reduce the level of violence in Afghanistan, encourage other outside suppliers to end their military assistance to Afghanistan, encourage the belligerent parties in Afghanistan to negotiate a peaceful settlement in Afghanistan, and make possible an act of self-determination by the Afghan people.

(b) STATEMENT OF THE CONGRESS.—The Congress—

(1) welcomes the United States-Soviet dialogue on mutual termination of all military assistance to Afghanistan and a political settlement in Afghanistan;

(2) welcomes the United States proposal on an early and effective mutual termination of military assistance to Afghanistan;

(3) urges the Government of the Soviet Union to accept the United States proposal, which would facilitate a peaceful resolution to the conflict in Afghanistan; and

(4) calls upon other countries supplying military assistance to belligerents in Afghanistan to express their readiness to terminate such military assistance in the context of a United States-Soviet agreement on a mutual termination of such assistance.

SEC. 924. UNITED STATES SUPPORT FOR DEMOCRACY AND DEVELOPMENT IN BANGLADESH.

(a) FINDINGS.—The Congress finds that—

(1) in a series of demonstrations beginning in 1990, the people of Bangladesh expressed their determination and commitment to human rights and democratic transition in Bangladesh, including holding free and fair elections and promoting freedoms of expression, association, and assembly;

(2) as a result of this expression of popular will, Bangladesh authorities agreed to the appointment of a neutral transition government to administer the country and to conduct national elections on February 27, 1991;

(3) the February elections were widely considered to be free and fair, and resulted in a victory for the Bangladesh National Party of Begum Khaleda Zia;

(4) the government of Prime Minister Begum Khaleda Zia has expressed its commitment to democratic rule and the maintenance of Bangladesh's economic adjustment program in coordination with the International Monetary Fund;

(5) while the sacrifices required by this economic adjustment program were compounded by the effects of the Persian Gulf Crisis, this did not deter Bangladesh authorities from strongly supporting United Nations sanctions against Iraq or from sending troops to help defend Saudi Arabia;

(6) as a result of its level of income and its commitment to the economic adjustment program supported by the International Monetary Fund, Bangladesh clearly meets the requirements for debt relief under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as added by Public Law 101-624;

(7) in enacting section 411, the Congress clearly intended Bangladesh to obtain debt relief;

(8) in the absence of debt relief under such section 411, Bangladesh will ultimately risk being forced to make substantial debt payments that it had not anticipated; and

(9) implementation of such debt relief would promote economic development in Bangladesh and signal strong United States support and encouragement of democratization in Bangladesh.

(b) STATEMENT OF CONGRESS.—The Congress—

(1) congratulates the people of Bangladesh on the successful transition to a freely and democratically elected government in Bangladesh;

(2) welcomes the new government's commitment to democratic government and the economic adjustment program being implemented in coordination with the International Monetary Fund; and

(3) urges the President to take action to provide to Bangladesh, at the earliest opportunity, debt relief under section 411 of the Agricultural Trade Development and Assistance Act of 1954.

SEC. 925. NEPAL.

(a) ALLOCATION OF FUNDS FOR NEPAL.—The President shall allocate the amount of funds for development assistance requested for Nepal for fiscal year 1992 in the congressional presentation materials for such fiscal year, unless the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961.

(b) ADDITIONAL FUNDS.—

(1) IN GENERAL.—In addition to the funds referred to in subsection (a), not less than $10,000,000 of the funds described in paragraph (2) shall be made available for Nepal if a democratically elected government in that country assumes office pursuant to free and fair elections.

(2) SOURCE OF FUNDS.—The funds from which amounts are to be made available under paragraph (1) are—

(A) any funds made available for fiscal year 1992 for development assistance, or for economic support assistance, in amounts equal to the amounts requested for such assistance for Pakistan for fiscal year 1992 in the congressional presentation materials for such fiscal year, if a certification under section 620E(e) of the Foreign Assistance Act of 1961 is not in effect on September 30, 1991; or

(B) any funds made available for fiscal year 1992 for development assistance, economic support assistance, or international disaster assistance, which are allocated for Asia and the Pacific, if a certification referred to in subparagraph (A) is in effect on September 30, 1991.

SEC. 926. PROMOTION OF HUMAN RIGHTS IN SRI LANKA.

(a) FINDINGS.—The Congress finds that—

(1) the United States and Sri Lanka have a long tradition of friendship and share common interests in economic development, constitutional, multiparty government, and international peace and stability;

(2) in recent years, the Government of Sri Lanka has confronted insurgents who have resorted to killings of civilians, kidnapping, destruction of civilian property, and other acts of terror in their attempt to achieve political objectives through the use of violence;

(3) in attempting to deal with these threats over the past several years, the Sri Lankan security forces, or persons acting under their control or influence, have committed serious and widespread violations of human rights, including disappearances and political killings, torture, failure to provide family members or lawyers with information on or access to detainees, and indiscriminate attacks that have caused civilian casualties in areas of civil conflict;

(4) Sri Lankan Government officials have indicated that they recognize the seriousness of these problems and the importance of bringing an end to abuses;

(5) despite the threats of terrorist violence, the Government of Sri Lanka has maintained democratic institutions in the country, and has taken steps that, if fully and vigorously implemented, could seriously address important human rights concerns; and

(6) these steps include inviting representatives of international human rights monitoring organizations to visit Sri Lanka, permitting access to international humanitarian organizations such as the International Committee of the Red Cross, permitting access to United Nations organizations dealing with investigations of human rights concerns, and establishing official bodies to investigate disappearances and other allegations of human rights abuses.

(b) STATEMENT OF THE CONGRESS.—The Congress—

(1) strongly condemns ongoing acts of terror, including killings of civilians, kidnap-

ping, and destruction of civilian property, by insurgents operating in the north, east, and south of Sri Lanka;

(2) expresses its deep concern about continuing reports of serious abuses of human rights by the Sri Lankan security forces or persons acting under their control or influence;

(3) welcomes statements by Sri Lankan Government officials indicating that they recognize the seriousness of these problems and the importance of bringing an end to abuses;

(4) welcomes efforts by the Sri Lankan Government to begin to address human rights concerns through measures that include inviting representatives of international human rights monitoring organizations to visit Sri Lanka, permitting access to international humanitarian organizations such as the International Committee of the Red Cross, permitting access to United Nations organizations dealing with investigations of human rights concerns, and establishing official bodies to investigate disappearances and other allegations of human rights abuses; and

(5) believes that continued progress on these issues will help to ensure further improvement in the relationship between the United States and Sri Lanka, based on mutual trust and respect.

(c) CONSIDERATIONS IN FURNISHING ASSISTANCE AND MAKING MILITARY SALES.—During fiscal years 1992 and 1993, in determining whether to furnish assistance to Sri Lanka under the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954 (other than emergency humanitarian assistance under either such Act), and whether to make any sales of defense articles or defense services to Sri Lanka under the Defense Trade and Export Control Act, the President shall take into account whether the Government of Sri Lanka has—

(1) established a public register of detainees and ensured that detainees have access to lawyers and family members;

(2) taken steps designed to deter disappearances and killings of civilians in all provinces by persons under the control or influence of government forces, such as enhanced efforts to pursue criminal investigations and prosecutions of those responsible for such abuses;

(3) taken measures designed to minimize civilian casualties in its combat operations in the north and east; and

(4) made serious and substantial efforts to investigate and prosecute those involved in the murder of journalist Richard DeZoysa.

(d) ASSISTING THE SRI LANKAN GOVERNMENT TO PROVIDE HUMAN RIGHTS TRAINING AND EDUCATION.—The President should encourage and assist the Government of Sri Lanka to provide effective human rights education and training in educational institutions in Sri Lanka, within the society at large, and to members of the security forces, including the police, the military, and paramilitary organizations.

CHAPTER 3—INDUSTRIAL COOPERATION PROJECTS IN CHINA AND TIBET

SEC. 941. STATEMENT OF PRINCIPLES.

(a) PURPOSE.—It is the purpose of this chapter to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China and Tibet.

(b) PRINCIPLES.—It is the sense of the Congress that any United States national conducting an industrial cooperation project in the People's Republic of China or Tibet should adhere to the following principles:

(1) Suspend the use of all goods, wares, articles, and merchandise that are mined, produced, or manufactured, in whole or in part, by convict labor or forced labor if there is reason to believe that the material or product is produced or manufactured by forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrests or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations and property and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment, and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to use business enterprises that are not controlled by the People's Republic of China or its authorized agents and departments as potential partners in the industrial cooperation project.

(5) Prohibit any military presence on the premises of the industrial cooperation project.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Chinese Government of these freedoms to the appropriate authorities of that government and to the International Labor Organization, which has an office in Beijing.

(7) Use every possible channel of communication with the Chinese Government to urge that government to disclose publicly a complete list of all those individuals arrested since March 1989, to end incommunicado detention and torture, and to provide international observers access to all places of detention in the People's Republic of China and Tibet and to trials of prisoners arrested in connection with the pro-democracy events of April through June of 1989 and the pro-democracy demonstrations which have taken place in Tibet since 1987.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the operations of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Chinese Government concerns about restrictions on importation of foreign publications.

(10) Undertake to prevent harassment of workers who, consistent with the United Nations World Population Plan of Action, decide freely and responsibly the number and spacing of their children; and prohibit compulsory population control activities on the premises of the industrial cooperation project.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

SEC. 942. REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall register with the Secretary of State and indicate whether the United States national agrees to implement the principles set forth in section 941(b). No fee shall be required for registration under this subsection.

(b) EFFECTIVE DATE.—The registration requirement of subsection (a) shall take effect 6 months after the date of the enactment of this Act.

SEC. 943. REPORTING REQUIREMENTS.

(a) REPORT.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall report to the Department of State describing the United States national's adherence to the principles set forth in section 941(b). Such national shall submit a completed reporting form furnished by the Department of State. The first report shall be submitted not later than 1 year after the date on which the United States national registers under section 942 and not later than the end of each 1-year period occurring thereafter.

(b) REVIEW OF REPORT.—The Secretary of State shall review each report submitted under subsection (a) and determine whether the United States national submitting the report is adhering to the principles. The Secretary may request additional information from the United States national and other sources to verify the information submitted.

(c) ANNUAL REPORT.—The Secretary of State shall submit a report to the Congress and to the Secretariat of the Organization for Economic Cooperation and Development, describing the level of adherence to the principles by United States nationals subject to the reporting requirement of subsection (a). Such report shall be submitted not later than 2 years after the date of the enactment of this Act and not later than the end of each 1-year period occurring thereafter.

SEC. 944. EXPORT MARKETING SUPPORT.

(a) SUPPORT.—Departments and agencies of the United States may only intercede with a foreign government or foreign national regarding export marketing activity in the People's Republic of China or Tibet on behalf of a United States national subject to the reporting requirements of section 943(a) if that United States national adheres to the principles set forth in section 941(b).

(b) TYPE OF CONTACT.—For purposes of this section, the term "intercede with a foreign government or foreign national" includes any contact by an officer or employee of the United States with officials of any foreign government or foreign national involving or contemplating any effort to assist in selling a good, service, or technology in the People's Republic of China or Tibet. Such term does not include multilateral or bilateral government-to-government trade negotiations intended to resolve trade issues which may affect United States nationals who do not adhere to the principles set forth in section 941(b).

(c) EFFECTIVE DATE.—Subsection (a) shall take effect 2 years after the date of the enactment of this Act.

SEC. 945. DEFINITIONS.

For purposes of this chapter—

(1) the terms "adhere to the principles", "adhering to the principles" and "adherence to the principles" mean—

(A) agreeing to implement the principles set forth in section 941(b);

(B) implementing those principles by taking good faith measures with respect to each such principle; and

(C) reporting accurately to the Department of State on the measures taken to implement those principles;

(2) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than $25,000 in value; and

(3) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, and other business association organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

The CHAIRMAN pro tempore. Are there any amendments to title IX?

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM. Page 645, insert the following after line 15:

SEC. 911. OPIC OPERATIONS IN LAOS.

The Overseas Private Investment Corporation may not operate any of its programs in Laos unless the President determines and reports to the Congress that the Government of Laos has taken legal and law enforcement measures to prevent and punish public corruption, especially by government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

Mr. McCOLLUM (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 Florida?

There was no objection.

□ 1720

Mr. McCOLLUM. Mr. Chairman, very briefly, all this does is to say that we are not going to allow the Overseas Private Investment Corporation to operate in Laos unless the President determines and reports to us that the Government of Laos has taken measures that will assure that public corruption and so forth is not going on in that country, particularly with regard to drug trafficking. We are concerned that people be put in jail or taken care of or punished appropriately in that country.

With regard to drug trafficking, it is a big problem. All this amendment does is to do that.

I believe that the gentleman from New York is perhaps ready and the gentleman from Florida is ready to allow acceptance of this amendment.

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

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

Mr. SOLARZ. Mr. Chairman, I simply want to let the Members know that the committee has considered the amendment. We have no objection to it and hope that it can be expeditiously enacted without the need for a rollcall vote.

The CHAIRMAN pro tempore. Is there any Member who wishes to speak in opposition to the amendment?

It not, the question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD?

Mr. McCOLLUM. It is printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM:—Page 627, strike out lines 1 through 4, and redesignate paragraphs (6) and (7) as paragraphs (5) and (6).

Mr. McCOLLUM (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 Florida?

There was no objection.

Mr. McCOLLUM. This particular amendment that I have proposed here, Mr. Chairman, is an amendment regarding Cambodia.

My amendment would not allow any of the $20 million authorized by this bill to be used in any areas controlled by the Phnom Penh regimes until all Vietnamese troops are out of Cambodia.

I have offered this amendment for several reasons. First, recent reports indicate that Vietnamese aid troops remain in Cambodia despite the alleged Vietnamese withdrawal. This has significant impact on our relations with all countries in the region.

In addition, it has come to my attention, that while this Congress has appropriated some meager funds for the non-Communist resistance, very little has gone to them and I am receiving reports that the private voluntary organizations in the region that receive funds and commodities prefer to work with the Communist regime in Phnom Penh.

This amendment would also indicate that the United States would not take sides should the Permanent 5 process or any other process lead to elections in Cambodia.

I am willing, however, to make a unanimous-consent request, and I will do that momentarily after I engage in a colloquy with the gentleman from New York, to substitute some language for this, to amend my own amendment, if there is an understanding with the gentleman from New York on a couple points. First, I will yield to the gentleman, would the gentleman agree that of the $20 million in humanitarian aid directed for Cambodia in this bill, at least half of that amount should be used directly with the non-Communist resistance?

Mr. Chairman, I yield to the gentleman from New York.

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

That, of course, is a determination that would have to be made by those responsible for actually implementing this, but it certainly would be my hope, and I might add, a very strong hope.

Mr. McCOLLUM. The gentleman, am I correct, Mr. Chairman, would encourage that, I presume, with the State Department?

Mr. SOLARZ. I will certainly encourage it.

Mr. McCOLLUM. The second thing that I am concerned with, Mr. Chairman, is the fact that the language in the bill right now talking about free elections only talks about the government of Phnom Penh.

I am about to make a unanimous-consent request concerning this about my amendment, but before I do that, I want to be sure we have an understanding with the gentleman that it is his intent, as it is I believe mine and should be that of the Congress if this is adopted, that whatever government is elected, whether it is the non-Communist resistance organization government or the existing government of Phnom Penh, if it is free and fair elections the intent would be that government will be recognized by us; is that correct?

Mr. SOLARZ. Mr. Chairman, if the gentleman will yield further, the gentleman is absolutely right. I would fully expect, in fact I would insist, as I would imagine every Member would, that if free and fair elections are finally held in Cambodia that we would work with whatever government emerged from those election, whether it was the current government in Phnom Penh or the non-Communist movements which oppose them.

The only other alternative is the Khmer Rouge, but it is fairly obvious that if there is ever a free and fair election, they are not likely to win. In fact, it is inconceivable that they would win; so the real choice would be between the non-Communist and the current regime in Phnom Penh. Which-

ever one wins in a fair and square election, that government we would expect to work with.

Mr. McCOLLUM. With that in mind, Mr. Chairman, and reclaiming my time, then, in order to allow us to reach an accommodation on this, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification to the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The Clerk read as follows:

Modification of amendment offered by Mr. McCOLLUM: Page 627, line 2, strike out "should" and all that follows through "it" in line 3 and insert in lieu thereof the following: "or any party making up the noncommunist resistance, whichever organization the Cambodian people chose".

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification of the amendment offered by the gentleman from Florida [Mr. McCOLLUM]?

Mr. SOLARZ. Reserving the right to object, Mr. Chairman, I simply want to commend the gentleman from Florida for a very constructive proposal. I think this addresses some of the concerns some of us had with the original language in the amendment. It deserves, in my view, the support of all Members of the House.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I simply urge the adoption of my amendment, as modified.

The CHAIRMAN pro tempore. The modification of the amendment has been agreed to.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. McCOLLUM, as modified: page 627, line 2: amend the language of the paragraph so as to read:

(5) the United States is prepared to work with the current leadership in Phnom Penn or any party making up the noncommunist resistance, whichever organization the Cambodian people choose.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Florida [Mr. McCOLLUM].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD?

Mr. BURTON of Indiana. It is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 657, after line 25, insert the following:

SEC. 927. HUMAN RIGHTS IN INDIA.

(a) REPORT ON ACCESS OF HUMAN RIGHTS MONITORING ORGANIZATIONS.—Not later than 60 days after the date of enactment of this Act, the President shall report to the Congress whether the Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

(b) TERMINATION OF DEVELOPMENT ASSISTANCE PROGRAMS.—If the President reports to the Congress, either pursuant to subsection (a) or at any other time, that Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country, all development assistance for India shall be terminated, except for assistance to continue the vaccine and immuno-diagnostic development project, the child survival health support project, and the private and voluntary organizations for health II project.

(c) RESUMPTION OF ASSISTANCE.—Assistance terminated pursuant to subsection (b) may be resumed only if the President reports to the Congress that the Government of India is no longer implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

Mr. BURTON of Indiana (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 Indiana?

There was no objection.

□ 1730

Mr. BURTON of Indiana. Mr. Chairman, there have been many, many atrocities that have taken place in the Punjab and Kashmir in India. The Indian Government should be held accountable for these atrocities. Over the next 2 years we are supposed to give them, if this bill passes, $200 million in developmental assistance. I think the Members of this body and the people of this country ought to know what the Government of India and the military of India have been doing to the people of Punjab and Kashmir.

In the Punjab at least 1,500 Sikhs have been killed this year alone. Since 1984 over 90,000, 90,000 Sikhs have died at the hands of the Indian forces in extrajudicial killings. In June of 1990 Indian forces prevented Sikhs in the Punjab from gathering to commemorate the June 19, 1984, Golden Temple attack atrocity which killed 20,000 Sikhs at this holiest of shrines, that the Sikhs hold in such high esteem.

In Kashmir, Mr. Chairman, since December of 1989 2,200 Kashmiris have died at the hands of Indian security forces.

On May 8 of 1991 India's Central Reserve police forces opened fire on 3,000 Kashmiri people gathered to mourn 4 victims of a police shooting. These troops fired for 10 minutes, leaving 10 people dead, their bodies scattered over the street next to a cemetery. When some Kashmiris returned to collect their dead, other troops gunned down a teenage boy. In total, 29 Kashmiris lost their lives from Indian bullets that day.

Get this, Mr. Chairman. On February 23 more than 800 Indians sealed off and rampaged through the village of Kunan. This lasted from 11 p.m. until 9 a.m. the next morning. These troops herded all the men into an icy field and while these men stood freezing under guard, Indian troops entered the village homes, their homes, and at gunpoint they gang raped 23 of the ladies.

Local people say that 100 women were molested that day.

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.

Another woman was gang raped by seven of the soldiers while they made her 5-year-old son watch.

The atrocities that are being perpetrated upon the people of Punjab and Kashmir are unbelievable, and yet the world is turning a blind eye to them.

The Sikh community in Punjab and the Kashmiri people in Kashmir need to be heard. Their voices need to be heard. And the best way for them to be heard is for us to send a very strong message to the Indian Government. That means cutting off $200 million in developmental assistance until they improve their human rights record.

This kind of action cannot be tolerated. I urge my colleagues to support this amendment.

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

The CHAIRMAN pro tempore (Mr. McDERMOTT). The gentleman from Ohio [Mr. FEIGHAN] will be recognized for 5 minutes in opposition to the amendment.

Mr. FEIGHAN. Mr. Chairman, I think all of us in this Chamber share the goals that the gentleman from Indiana [Mr. BURTON] is attempting to reach by sponsorship of this amendment. Certainly we are all appalled by the hundreds of atrocities that have been committed by the Indian security forces. However, I think we do disagree very vigorously on the way to accomplish that same goal.

I would say that a cut in development aid is probably the least constructive thing that we could do.

Therefore, I am offering a perfecting amendment, and that amendment is at the desk.

AMENDMENT OFFERED BY MR. FEIGHAN TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. FEIGHAN. Mr. Chairman, I offer a perfecting amendment to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN to the amendment offered by Mr. BURTON of Indiana:

In the text proposed to be inserted by the amendment, strike subsections (b) and (c), redesignate subsection (a) as subsection (c), and insert the following before subsection (c), as so redesignated:

(a) FINDINGS.—The Congress finds that—

(1) India is the world's most populous democracy, with a long tradition of free elections, competing political parties, and vibrant civilian institutions, including an independent judiciary and a free press;

(2) India is a party to the International Covenant on Civil and Political Rights, and the Indian Constitution guarantees fundamental human rights, including freedom of speech, freedom of assembly, and the right of due process;

(3) numerous Indian human rights organizations investigate, document, and publish information on human rights violations in India;

(4) despite India's history of democratic government and tradition of respect for the rule of law, there exist in parts of the country serious human rights problems that Indian human rights organizations and many political and community leaders are actively working to redress;

(5) these serious human rights problems have included abuses by some members of the security forces, who have been responsible for arbitrary arrests and detentions without trial, torture, deaths in custody, and disappearances and extrajudicial killings of unarmed civilians and suspected militants;

(6) there have been numerous reports that Indian security forces have been responsible for killings of unarmed demonstrators, assaults upon civilians, and the burning of homes and other civil property in Kashmir;

(7) there have also been numerous reports that Indian security forces have been responsible for the extrajudicial execution of suspected militants in staged encounters in Punjab;

(8) human rights violations have occurred as a result of the application of certain Indian security laws, regulations and procedures, such as those that permit detention without trial for up to one year, the use of in camera trials, and the holding of persons in incommunicado detention, those that eliminate safeguards against the use of confessions that may have been coerced, and those that provide security forces with excessively broad authority for the use of deadly force and impose severe limitations on the ability to take legal action against members of the security forces who may have committed human rights abuses;

(9) while some international human rights monitors have visited Kashmir and Punjab and reported on conditions in those regions, the Government of India has not cooperated with international human rights organizations in their efforts to conduct human rights factfinding in India, and has limited access to areas of conflict for international humanitarian organizations;

(10) militants in both Punjab and Kashmir have engaged in gross abuses against civilians, including kidnapping, murder, and attacks on civilian institutions, such as the media, the judiciary, and elected officials;

(11) acts of murder, intimidation, and harassment by militants in Kashmir have caused great suffering, including massive dislocation, especially for the Kashmiri Hindu community;

(12) numerous credible reports suggest that militants operating in Punjab and Kashmir have received arms and training from sources in Pakistan; and

(13) as a result of abuses committed by both the militant groups and Indian security forces, thousands of civilians have been killed or injured, or have disappeared, and hundreds have been made homeless.

(b) STATEMENT OF THE CONGRESS.—(1) The Congress calls upon the Government of India to take action to promote adherence to internationally recognized human rights standards, including actions to—

(A) ensure against long-term detention without trial, in camera trials, and the holding of persons in incommunicado detention;

(B) ensure that all detainees are brought before a judicial authority promptly after arrest, and to permit family members and lawyers immediate access to all persons in detention;

(C) maintain safeguards against the use in court of confessions that may have been coerced;

(D) affirms that all members of the security forces will be held responsible and subject to prosecution for human rights abuses;

(E) investigate all reports of human rights violations by members of the security forces and prosecute those who are found responsible; and

(F) expand access for international human rights and humanitarian organizations.

(2) The Congress urges the Government of India to pursue discussion and dialogue with representatives of a broad spectrum of the populations of Punjab, Kashmir, and other areas of civil conflict, in order to encourage a better understanding of grievances within these areas and to promote the process of political normalization.

(3) The Congress condemns gross abuses by militants in Kashmir and Punjab, who have been responsible for kidnapping, executions of civilians, and attacks on civilian institutions, and urges all military groups to cease the use of force to achieve political objectives.

(4) The Congress urges the Secretary of State to raise Indian human rights issues with the Government of India.

(5) The Congress calls upon Pakistani authorities not to provide arms or training to militants in Punjab or Kashmir, and urges the Secretary of State to convey this message to Pakistani officials.

Mr. FEIGHAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to 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 Ohio?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. FEIGHAN] still has time in opposition to the Burton amendment.

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

Mr. Chairman, the perfecting amendment that I have offered expresses the very deep concern of this Congress about the human rights abuses by Indian security forces in Punjab, Kashmir, and in other regions of India. And it goes further, it urges the Indian Government to take a number of steps to curb abuses by the security forces.

I think this amendment to the amendment offered by the gentleman from Indiana [Mr. BURTON] represents a consensus between the administration, the Congress, and international human rights groups. It was drafted in close consultation with Asia Watch. The administration has no objection to the language. I think if we realize that the amendment offered by the gentleman from Indiana would cut several important programs in India, we would realize that without my amendment it in fact will hurt those innocent people whom we are attempting to help.

The amendment offered by the gentleman from Indiana would eliminate developmental assistance for certain housing programs, for AIDS prevention and control in India, for a whole range of other important developmental projects that go to those people, the most needy in India, to whom we certainly want to offer some assistance.

Finally, Mr. Chairman, I would say that the amendment that I am offering goes further than the amendment offered by the gentleman from Indiana, in that it calls attention to the atrocities that are committed by militant groups in the Punjab and Kashmir as well.

We condemn the conduct of those militants in language which is not included in the underlying amendment offered by the gentleman from Indiana.

Mr. Chairman, I would urge my colleagues to support this important amendment, continue the developmental aid to India, and yet make a very clear statement, a compelling statement about the deep concerns of this Congress and the administration about the abuses that we see.

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

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the substitute offered by the gentleman from Ohio [Mr. Feighan] and in strong opposition to the amendment offered by the gentleman from Indiana [Mr. BURTON].

Mr. Chairman, I think the Burton amendment is utterly unbalanced. There are, to be sure, human rights problems in India, but they are not caused just by the Indian Government. They are also caused by Sikh militants and by Kashmiri extremists.

Just last week Sikh militants murdered up to 200 people in cold blood on two trains. There is not a word about it in Mr. BURTON's amendment.

If we want to send India a message, the way to do it is to adopt the Feighan substitute which expresses concern about the human rights problems there and also asks India to open up their country to Amnesty International.

But the fact of the matter is that under the Burton amendment we would not just be asking them to open up their country, we would potentially be cutting out $22 million in development assistance. There is not a single precedent in which the Congress has ever cut back or reduced aid to a constitutional democracy on human rights grounds. In fact, over the past decade, there has not been a single instance in which we cut back on development assistance, even to the most brutal dictatorships, on human rights grounds, because development assistance programs are designed to help people in need. We do not penalize the government when we cut back on development assistance; they penalize the people.

So if we are concerned about human rights in India, the way to express that concern in a reasonable and responsible way is to vote for the Feighan substitute.

Finally, if you were to listen to Mr. BURTON, you would think India has sealed off Kashmir and Punjab. That is nonsense. Asia Watch just went to Kashmir, Indian human rights groups are permitted to go into Kashmir and Punjab. In fact, Pakistan takes the human rights reports submitted by Indian human rights organizations and submits them to the United Nations.

So the notion that India is somehow cordoning off Punjab and Kashmir and we have to open it up by threatening to cut off $22 million in development assistance to open it up is simply untrue and unfounded.

Mr. BURTON of Indiana. Mr. Chairman, how much additional time do we have?

The CHAIRMAN pro tempore. The gentleman from Indiana [Mr. BURTON] has 2 minutes remaining.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of the Burton amendment. The atrocities tolerated by the Indian Government and documented by Amnesty International, Asia Watch, the New York Times, the Washington Post, and other impartial observers warrants nothing less than strong response from the U.S. Congress.

Amnesty International has confirmed abundant human rights abuses in India today, including more than 25,000 people being detained without trial. Thousands of people being murdered by security forces in fake encounters. Hundreds of women being raped by police. Security forces firing into unarmed crowds, killing scores of innocent people. Torture is being rampant in Indian jails. Local government has been suspended in several regions. Human rights groups despite what the gentleman from New York said, still are not allowed into India and only by sneaking in has Asia Watch been able to get in, despite what the gentleman from New York has said. Let us take a strong response and support the Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself the remaining minute.

Mr. Chairman, I say to my colleague from New York, baloney, baloney. The gentleman knows that Amnesty International cannot get into Punjab and Kashmir, he knows the International Red Cross cannot get into Punjab and Kashmir because the Indian Government does not want the world to see the atrocities that are taking place there. That is a fact. And why should the United States of America be giving $200 million to that government in developmental assistance when these atrocities still go on? When they will not let anybody see if the curtain is drawn down?

□ 1740

Mr. Chairman, it is wrong.

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

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Indiana [Mr. BURTON]. I do not think this is an issue that will go away, and I do not think a simple sense-of-the-Congress amendment is adequate to the atrocities and the problems that people in the Punjab have been experiencing. The Indian Government has to know that the American people want to put some teeth in this law, and those teeth would be the withdrawal of development assistance should international human rights organizations continue to be deprived of their opportunity to get into that region.

Mr. Chairman, I rise today in support of the Burton amendment and in opposition to the Feighan/Solarz substitute.

Although India has been called the world's largest democracy, the recent violent election, which claimed more than 250 lives, and an Amnesty International report, which documented approximately 4,000 political killings last year alone, are bitter reminders that the human rights situation in India has only deteriorated.

Improvements in human rights does not seem to be forthcoming as these killings have been exacerbated by the continual interethnic conflict between the government security forces and minority groups. A recent CRS report, that Congressman DREIER and I requested, states that:

In Punjab and Kashmir, the centrally controlled paramilitary forces are generally composed of nonindigenous people who could be said to have little regard for the lives of the local people.

In addition to the killings, thousands more are in jail who will never see a trial, and at least five states are currently under martial law. Continued promises by India's political leadership for fresh elections in Punjab's 117-seat assembly, which was dissolved more than three years ago, has yet to be realized.

India has been plagued by increasingly religious and ethnic violence in many sections of the country, most notable in the Punjab and Kashmir. In seeking to suppress dissent and separatism, the Govenrment of India has resorted to violence, bludgeoning the principles of democracy upon which India was founded.

Violence and terrorism, on any side, can only serve to undermine a true and lasting peace between all the peoples of India. The Government of India must renounce the use of force, stop the human rights abuses, and honor its commitments for regional autonomy which were an integral part of the formation of India in 1947.

As progress in these areas has not been realized, Congress can no longer stand idly aside, but should condemn these actions by conditioning develomental assistance on an improvement in human rights.

Mr. Chairman, I believe that the Burton amendment most effectively and clearly sends that message to the Government of India.

Mr. BURTON of Indiana. For God's sake, let us help those people.

Mr. MATSUI. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Indiana [Mr. BURTON], and in support of the substitute offered by my colleague from Ohio [Mr. FEIGHAN]. While I do not condone human rights violations in this or any other region, I do not believe that suspension of India's development assistance funding is the answer to alleviating human rights abuses in Punjab, Kashmir or any other part of India. Control of the surging violence in many regions cannot be accomplished by imposing sanctions on India because it does not address the essence of the conflict. By following this path we will only further the poverty and hunger that is prevalent in this vast country.

The recent assassination of former Prime Minister Rajiv Gandhi and the potential for destabilization throughout the country makes the need for development assistance programs more imperative than ever. Shortly, India will emerge with a new political leader. We must not prejudge the role that this leader will play in promoting human rights throughout the country. The public world must encourage whoever shall lead India to work toward peace throughout the internal framework of the country.

Again, suspending development assistance programs will not address the heart of the problem in this volatile region but will serve only to drive a wedge between United States-India relations. The Feighan substitute appropriately expresses the deep concern of Congress over the human rights abuses in Punjab, Kashmir and other regions of India and it does not hurt the people of India who depend upon development aid for improved living conditions. I urge my colleagues to oppose the Burton amendment and support the Feighan substitute.

The CHAIRMAN pro tempore [Mr. McDERMOTT]. The question is on the amendment offered by the gentleman from Ohio [Mr. FEIGHAN] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6, rule XXIII, the Chair announces that he will reduce to 5 minutes the time for a recorded vote, if ordered, on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended or not, if the vote occurs immediately following the pending vote.

The vote was taken by electronic device, and there were—ayes 271, noes 144, answered "present" 1, not voting 16, as follows:

[Roll No. 178]

AYES—271

Ackerman
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
Atkins
AuCoin
Barnard
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coughlin
Coyne
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Eckart
Edwards (TX)
Engel
English
Evans
Fascell
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hansen
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Hyde
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Mineta
Mink
Moakley
Mollohan
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ray
Reed
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Sharp
Shaw
Shays
Sisisky
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Thomas (CA)
Thornton
Towns
Traxler
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Zimmer

NOES—144

Abercrombie
Andrews (ME)
Applegate
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bevill
Bilirakis
Bliley
Boehner
Brewster
Browder
Bunning
Burton
Callahan
Camp
Chapman
Clay
Coble
Condit
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeFazio
Dickinson
Dixon
Donnelly
Dooley
Doolittle
Dornan (CA)
Dreier
Early
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Espy
Fazio
Fields
Franks (CT)
Gallegly
Gaydos
Gekas
Geren
Gillmor
Glickman
Gordon
Goss
Hall (TX)
Hancock
Harris
Hefner
Henry
Herger
Holloway
Hunter
Inhofe
Ireland
Jacobs
James
Kasich
Kolter
Kostmayer
Kyl
LaFalce
Laughlin
Lewis (FL)
Lipinski
Lowery (CA)
Machtley
Marlenee
McEwen
Meyers
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moody
Moorhead
Moran
Myers
Nowak
Packard
Parker
Patterson
Paxon
Quillen
Ramstad
Ravenel
Regula
Rhodes
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Sanders
Schaefer
Schiff
Schulze
Schumer
Sensenbrenner
Shuster
Sikorski
Skeen
Slaughter (VA)
Smith (OR)
Solomon
Stark
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Torres
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wheat
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—16

DeLay
Fawell
Gingrich
Gray
Hammerschmidt
Hopkins
Huckaby
Levine (CA)
Lloyd
Martin
Martinez
Oberstar
Serrano
Skaggs
Spence
Torricelli

□ 1803

Messrs. SLAUGHTER of Virginia, SHUSTER, CLAY, MORAN, EDWARDS of California, MILLER of Washington, and HALL of Texas changed their vote from "aye" to "no."

Ms. WATERS, Messrs. LEWIS of Georgia, JEFFERSON, and HORTON, Mrs. BOXER, Messrs. McCANDLESS, ROSE, BARNARD, SLATTERY, and Ms. PELOSI changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON] as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore [Mr. McDERMOTT]. Is the amendment printed in the RECORD?

Mr. BURTON of Indiana. Yes, it is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana:

—Page 657, after line 25, insert the following:

SEC. 927. HUMAN RIGHTS IN INDIA.

(a) REPORT ON ACCESS OF HUMAN RIGHTS MONITORING ORGANIZATIONS.—Not later than 60 days after the date of enactment of this Act, the President shall report to the Congress whether the Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

(b) TERMINATION OF DEVELOPMENT ASSISTANCE PROGRAMS.—If the President reports to the Congress, either pursuant to subsection (a) or at any other time, that the Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country, 50 percent of development assistance for India shall be terminated, except for assistance to continue the vaccine and immunodiagnostic development project, the child survival health support project, and the private and voluntary organizations for health II project.

(c) RESUMPTION OF ASSISTANCE.—Assistance terminated pursuant to subsection (b) may be resumed only if the President reports to the Congress that the Government of India is no longer implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

Mr. BURTON of Indiana (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 Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, people are dying and being tortured and being raped, and children are being shot in Punjab and Kashmir in India. And the world has turned a blind eye to it.

Just a moment ago, I hope in error, 271 of my colleagues voted to just slap the wrist of India by sending a sense of Congress resolution. We need to send a stronger message.

They will not even allow Amnesty International or the International Red Cross into Punjab and Kashmir because they do not want the world to see these artocities.

Women are being raped. One woman gave birth to a child with a broken arm because the guy that raped her kicked her. And the baby was born 4 days later with a broken arm. In Punjab and in Kashmir these things are going on daily. I have seen pictures of these people burnt all over their bodies, tortured until they were killed, their genitals cut off, all kinds of torture.

Yet the world is not allowed to see this because they will not allow Amnesty International and the International Red Cross into Punjab and Kashmir.

This amendment will cut off half, just half, of the $200 million that we are supposed to give to India in developmental assistance over the next 2 years—just half, and will give it back to them the minute that they allow human rights groups into Punjab and Kashmir.

Is that too much to ask? For God's sake, for God's sake, think about it. If we just cut off $100 million from India, it will send a signal that will be heard around the world that we are against human rights violations and torture of our fellow man. We must do this.

I plead with my colleagues today. Please vote in favor of my amendment. If they allow Amnesty International or the International Red Cross into Punjab and Kashmir, then the world will know and they will get their aid. But until they do that, we should withhold it. I urge my colleagues' support. I urge my colleagues' support for God's sake.

□ 1810

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

Mr. Chairman, we just had this debate. Those of the Members who voted in favor of the Feighan amendment, I hope, will now vote against the Burton amendment.

The gentleman from Indiana says that we are turning a blind eye to what is happening in Kashmir and Punjab. We are not turning a blind eye. We just adopted a resolution expressing the concern of the Congress about the human rights problems in Kashmir and Punjab, and we have gone on record with respect to that, but the gentleman from Indiana has created a totally false and misleading impression.

If we listen to him, we would think the Indian Government has cordoned off Kashmir and Punjab; nobody is allowed in, and under the cloak of darkness, women are being raped and innocents are being killed, and so on and so forth.

The fact of the matter is that Asia Watch has just sent researchers into Kashmir and Punjab, and they have published, or will be publishing, their reports. Several Indian human rights organizations have been given access to Punjab and Kashmir. They have submitted their reports. Foreign correspondents from the New York Times, the Washington Post, the Wall Street Journal, and dozens of other foreign newspapers have been permitted to go to Kashmir and Punjab. Amnesty International is now negotiating with the Government of India to send a team in there.

To suggest that India does not let human rights groups into Kashmir and Punjab is totally and completely untrue.

The gentleman now says that we should eliminate half of our development assistance to India if they do not let in Amnesty International. The fact of the matter is that we have never, ever cut humanitarian assistance to a constitutional democracy, and India is not the only democracy in the world where there are human rights problems. We did not cut development assistance to El Salvador or to Guatemala. We did not eliminate it in those countries although there are human rights abuses there. Indeed, over the past decade, we have not even cut development assistance to dictatorships because of human rights problems.

This is because development and humanitarian assistance goes to people, poor people, needy people.

We already had the debate on the Burton amendment. We have gone on record to express our concern about human rights, and I urge all of those who just voted against Burton before by voting for the Feighan substitute to vote against Burton now, because this is, in essence, the same vote we just had 5 minutes ago.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. ATKINS], my good friend.

Mr. ATKINS. Mr. Chairman, I rise in opposition to the Burton amendment. This is an amendment that punishes the victims.

If we are worried about misery and suffering and the suffering that has been caused in India by the Indian security forces, the way to resolve it certainly is not to try to starve children, to deny development assistance to the poorest of the poor. This is a crazy and a misguided amendment. It is an amendment which will make human rights even more difficult in India.

The Indian Government, as we speak, is negotiating with Amnesty International on sending a team in there. There are other human rights teams in there. There is tremendous concern in India about the abuses.

This amendment would make those abuses worse, make it more difficult to solve the problem, and punish innocent women and children.

Mr. SOLARZ. Mr. Chairman, I yield to my good friend, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Indiana [Mr. BURTON].

The fact is that India is a democracy, a democracy with as many problems as we have today.

The gentleman from Indiana [Mr. BURTON] would give the impression that the Parliament has met on this policy of genocide in Kashmir or Punjab, or the Cabinet has made its decision. The fact of the matter is that the Indians are as concerned about this problem as much as we are.

If Kashmir and Punjab do not need something it is congressional interference in the issues facing Pakistan and India on these two particular problems.

I, therefore, ask for a no vote on the Burton amendment.

Mr. SOLARZ. Mr. Chairman, let me just say in conclusion, particularly to my friends on the other side of the aisle, that the administration is strongly against the Burton amendment. Neither Asia Watch nor Amnesty International are supporting the amendment.

If we really want Amnesty International to get into these areas, and keeping in mind other human rights groups have already gotten in, the best way to make sure that Amnesty does not get in is to threaten to withhold this assistance, because under those circumstances India is much less likely to successfully consummate their negotiations with Amnesty.

I urge the defeat of the amendment.

Mr. BURTON of Indiana. Mr. Chairman, what is wrong with withholding the assistance until they allow Amnesty International and the International Red Cross into Punjab to investigate? What is wrong with that?

Amnesty International and the International Red Cross do have in New Delhi, hundreds of miles away from Punjab and Kashmir, a little bitty service office, but they have been trying to get into Punjab and Kashmir for years without success.

There have been reporters and there have been some human rights people who have sneaked into those areas to find out, but they are not allowed in by the Indian Government. They have been negotiating, as the gentleman

from New York might lead you to believe, for 2 years with no success. They are still not allowed into Punjab and Kashmir.

All my amendment says is that we are going to cut off developmental aid, half of it, just half of it, no humanitarian assistance; this does not apply to humanitarian assistance, only developmental aid, half of it, $100 million for 2 years, half for 2 years. I just want to say to my colleagues that if they really care about human rights and they really care about their fellow man, they really ought to vote for this amendment, because it is not taking anything away from India, because the minute they allow these groups into Punjab and Kashmir, they will get their developmental assistance. There is no loss to them as long as they do what is right, what is humane.

I urge the Members to vote for this.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana.

This past weekend, more than 100 innocent civilians were gunned down aboard two trains in the Punjab region of India by Sikh militants. This terrible and senseless violence is another episode in the ongoing separatist movement. It follows a pattern of violence that has involved Sikh and Moslem militants and Indian security forces alike. Like my colleague from Indiana, I deplore this violence and call on all parties involved to refrain from acts of terrorism and violence and to concentrate on peaceful political dialog.

I oppose this amendment because it fails to recognize that violence is being committed by those on both sides of the ongoing struggle. The amendment condemns India for failing to control the continuing violence while remaining silent on the atrocities perpetrated by the separatist terrorists. The terrible deaths of 110 innocent civilians gunned down by Sikh militants last weekend makes the omission of any language condemning the violence of the militant separatist groups even more glaring in its absence.

Such violence does not excuse India's own mistakes. The documented cases of human rights abuses by Indian security forces are deplorable. I support the recommendations of Asia Watch and others that the Government of India establish independent commissions of inquiry into all reports of violations. But action by the Government of India, not by the U.S. Congress, is most appropriate in dealing with these issues. India is to be commended for launching its own inquiries into violations and for pursuing criminal cases against those involved in violations, and I urge the Indian Government to quickly move to establish independent commissions as well.

Today the final results of a tumultuous Indian election were made public. Despite the terrible and tragic assassination of leading candidate and former Prime Minister Rajiv Gandhi, the Congress Party, which has won a plurality, will now try to form a government. As India and its new government continue to confront the tumult in Kashmir, the United States should work with the new government in support of a peaceful resolution to this regional conflict. And the best way to do so is to support bilateral talks between the Pakistani and Indian Governments.

These talks, begun in 1972 with the Simla accord of that year, hold the most promise for a peaceful solution. Recent discussions between the foreign secretaries of India and Pakistan have suggested progress, and I strongly urge both governments to continue to pursue peaceful political dialogue.

In the meantime, any statement expressing our serious concerns about the continuing violence must be evenhanded and free from double standards. I urge a no vote on the amendment.

The CHAIRMAN pro tempore [Mr. McDERMOTT]. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman 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.

The CHAIRMAN pro tempore. The vote will be postponed until after debate on the next amendment and all amendments thereto.

Are there other amendments to title IX?

Mr. BURTON of Indiana. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD?

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Mr. Chairman I do not understand why we are not having a vote on this particular amendment. It is a freestanding amendment with no perfecting amendments to it. Why are we not having a vote on it right now?

The CHAIRMAN pro tempore. The Chair was requested by the chairman of the committee and the ranking member to postpone the vote until after the debate on the next amendment so we can reduce the time required for the votes.

Mr. BURTON of Indiana. Mr. Chairman, further asking a parliamentary inquiry, the next amendment will be another freestanding amendment that does not even pertain to the same subject matter. How are you going to group those two together? I do not understand that.

The CHAIRMAN pro tempore. The votes can be in sequence, one 15-minute and one 5-minute.

Mr. BURTON of Indiana. Mr. Chairman, I just ask for regular order. I think we ought to vote on this while everybody has it fresh in their minds, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair has announced its intention.

The Clerk will read the amendment.

The Chair will rescind his decision on the amendment.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 229, answered "present" 1, not voting 20, as follows:

[Roll No. 179]

AYES—182

Abercrombie
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bennett
Bevill
Bilirakis
Bliley
Boehner
Brewster
Brooks
Browder
Bunning
Burton
Callahan
Camp
Carr
Chapman
Clement
Coble
Coleman (MO)
Condit
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeFazio
Dickinson
Dingell
Donnelly
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Fazio
Fields
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gillmor
Glickman
Goss
Hall (TX)
Hancock
Hansen
Harris
Hayes (LA)
Hefley
Hefner
Henry
Herger
Holloway
Hubbard
Hunter
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (TX)
Jones (NC)
Kasich
Kolbe
Kolter
Kyl
LaFalce
Laughlin
Leach
Lehman (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McEwen
McMillan (NC)
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Murphy
Myers
Neal (NC)
Nichols
Nowak
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Porter
Poshard
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Sangmeister
Saxton
Schaefer
Schulze
Schumer
Sensenbrenner
Shuster
Sikorski
Skeen
Slattery
Slaughter (VA)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wheat
Wilson
Wylie
Young (AK)
Young (FL)
Zeliff

NOES—229

Ackerman
Alexander
Anderson
Andrews (NJ)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bentley
Bereuter
Berman
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Broomfield
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Chandler
Clay
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Cox (IL)
Coyne
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Engel
Espy
Evans
Fascell
Feighan
Fish

Flake
Foglietta
Ford (MI)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hastert
Hatcher
Hayes (IL)
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Hutto
Hyde
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lagomarsino
Lancaster
Lantos
LaRocco
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Long
Lowey (NY)
Manton
Markey
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Mink
Moakley
Morella
Morrison
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Price
Rahall
Rangel
Reed
Richardson
Rinaldo
Ritter
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schroeder
Sharp
Shaw
Shays
Sisisky
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Thomas (CA)
Thomas (GA)
Thornton
Torres
Towns
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Zimmer

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—20

Campbell (CA)
DeLay
Fawell
Gingrich
Gray
Hammerschmidt
Hopkins
Huckaby
Lehman (FL)
Levine (CA)
Lloyd
Martinez
McCloskey
Mineta
Oberstar
Pursell
Serrano
Skaggs
Spence
Torricelli

□ 1837

The Clerk announced the following pair:

On this vote:

Mr. DELAY, with Mr. LEVINE against.

Mr. SHAYS and Mr. RICHARDSON changed their vote from "aye" to "no."

Mr. MILLER of California changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD?

Mr. BURTON of Indiana. It is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 657, after line 25, insert the following:

SEC. 927. FREEDOM FOR KASHMIR.

(a) FINDINGS.—The Congress finds that—

(1) the historically independent people of the State of Jammu and Kashmir (commonly referred to as "Kashmir") have been denied the plebiscite that was promised them by resolutions adopted in 1948 and 1949 by the United Nations Commission for India and Pakistan;

(2) those resolutions were agreed to by the Government of India and the Government of Pakistan, with the firm support of the United States;

(3) the United States, as the world's most powerful democracy, has supported the principle that the status of the State of Jammu and Kashmir should be decided by the democratic method of a plebiscite under impartial control and supervision;

(4) despite those resolutions, during the past 40 years the people of the State of Jammu and Kashmir have suffered through 2 wars and continuous unrest while being denied the right to self-determination by the Government of India;

(5) the inevitable frustrations of a people being governed without their consent have recently resulted in an upsurge of conflict and violence in the State of Jammu and Kashmir;

(6) the Government of India has responded to this situation by isolating the State of Jammu and Kashmir from the outside world;

(7) there have been an increasing number of reports of unwarranted use of deadly force, as well as torture, rape, beatings, restriction of medical services, and other violations of basic human rights;

(8) the Government of India has continued to refuse the requests of Amnesty International and the International Committee of the Red Cross, to enter the State of Jammu and Kashmir to investigate and evaluate the situation;

(9) the Government of India has refused to respond to unofficial offers by the International Committee of Red Cross to provide humanitarian assistance to the State of Jammu and Kashmir; and

(10) the United States supports the Universal Declaration of Human Rights and the internationally recognized rights of freedom of speech, assembly, and press, and due process of law.

(b) POLICY DECLARATIONS.—The Congress—

(1) deplores the excessive use of force and violence, including torture, by the security forces of the Government of India against civilians in the State of Jammu and Kashmir;

(2) demands that the Government of India open the borders of the State of Jammu and Kashmir to Amnesty International and the International Committee of the Red Cross to permit an accurate assessment of the human rights situation in the State of Jammu and Kashmir;

(3) reaffirms that the question of the future status of the State of Jammu and Kashmir be decided through the democratic method of a free and impartial plebiscite; and

(4) calls on the President, the United Nations, and the international community to use all measures at their disposal to establish the conditions necessary for a free and impartial plebiscite in the State of Jammu and Kashmir.

Mr. BURTON of Indiana (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 Indiana?

There was no objection.

□ 1840

The CHAIRMAN pro tempore [Mr. MCDERMOTT]. The gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Chairman, the human rights violations that I talked about earlier in my previous two amendments are documented in some detail by Asia Watch reports, "Human Rights in Kashmir, India, Under Seige," and, of course, human rights violations in Punjab.

I wish I had thought to bring those to the attention of my colleagues earlier.

Mr. Chairman, this amendment is a sense-of-Congress resolution. It does not withhold any developmental funds. All it says is that we as a body believe that the Government of India should live up to a commitment it made and the United Nations made in 1948 when they promised that the people of Kashmir would be given a plebiscite on whether or not they would be granted independence from both Pakistan and India. I would just like to read to you just a little bit about the history of this.

On January 1, 1948, after an armed conflict between India and Pakistan, India, and let me repeat, India brought the Kashmir issue before the United Nations Security Council.

In both 1948 and 1949 the United Nations Commission on India and Pakistan adopted a resolution which laid down the future of Jammu and Kashmir, whether to join India or Pakistan. And it should be decided, they agreed, by plebiscite.

Both India and Pakistan supported these resolutions and even Prime Minister Nehru said in 1951, "We have given our pledge to the people of Kashmir and subsequently to the United Nations. We stood by it, and we stand by it today. Let the people of Kashmir decide."

This resolution is still on the books. It is still in effect at the United Nations. All we ask in this resolution is that we as a body, as a government support a plebiscite in Kashmir to decide whether or not there should be an independent country as was promised by the leaders of India in 1948 through 1951 and by the United Nations.

For 44 years, Mr. Chairman, the people of Kashmir have suffered under the brutal oppression of the Indian Government, as I talked about before. Human rights groups, International Red Cross are not allowed into Kashmir right now. I will not cover that ground again. But the fact of the matter is that the people of Kashmir overwhelm-

ingly are requesting, are pleading for the United Nations and the world to live up to the commitment that was made to them in 1948 that there be a plebiscite on independence.

I would just like to say that I think we as a government ought to support that, support the United Nations, support the previous leaders of India and give the people of Kashmir their plebiscite on independence.

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

Mr. SOLARZ. Mr. Chairman, I have a perfecting amendment at the desk.

The CHAIRMAN pro tempore [Mr. ROWLAND]. Is the gentleman from New York [Mr. SOLARZ] in opposition to the amendment offered by the gentleman from Indiana [Mr. BURTON]?

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I have a perfecting amendment at the desk.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SOLARZ] is recognized.

AMENDMENT OFFERED BY MR. SOLARZ TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. SOLARZ. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The Clerk read as follows:

Amendment offered by Mr. SOLARZ to the amendment offered by Mr. BURTON of Indiana: Page 1, strike line 3 and all that follows through line 21 on page 2, and insert the following:

(1) Indian and international human rights organizations have reported serious abuses by some members of the security forces in Kashmir, including arbitrary arrests and detentions without trail, torture, deaths in custody, disappearances, killings of unarmed demonstrators, assaults against civilians, and burning of homes and other civilian property;

(2) such abuses have encouraged disaffection within the Kashmir community, which has been exacerbated by the suspension of local rule in Kashmir;

(3) a lasting settlement to the conflict in Kashmir will require political arrangements which would address the legitimate needs of all affected parties, including India, Parkistan, and all Muslim and non-Muslim Kashmiris;

(4) in 1972, India and Pakistan agreed to the provisions of the Simla Declaration, which provides that both countries would agree to resolve their differences "by peaceful means through bilateral negotiations or by other peaceful means mutually agreed upon between them";

(5) although international human rights monitors have visited Kashmir and reported on conditions there, the Government of India has not cooperated with international human rights organizations in their efforts to conduct human rights factfinding in Kashmir, and has limited access to areas of conflict for international humanitarian organizations;

(6) militants in Kashmir have been responsible for gross abuses against civilians, including kidnapping, murder, and attacks on civilian institutions; and

Page 2, line 22, strike "(10)" and insert "(7)".

Page 3, strike lines 6 through 18, and insert the following:

(2) urges the Government of India to investigate all reports of human rights violations in Kashmir and bring prosecutions against those believed to be responsible;

(3) urges the Governments of India and Pakistan to work to settle their differences by peaceful means as envisioned in the Simla Declaration;

(4) urges the Indian Government to undertake discussion and dialogue with representatives of all the people of Kashmir in order to encourage the reestablishment of a political process and address the popular grievances of the people of Kashmir; and

(5) condemns acts of terror by militants in Kashmir and urges them to cease the use of force to achieve political objectives.

Mr. SOLARZ (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 New York?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I would like to see a copy of the gentleman's perfecting amendment, if possible.

Mr. CHAIRMAN pro tempore. The Clerk will read.

Mr. SOLARZ. Mr. Chairman, I would say to my friend, the gentleman from Indiana, we have already given him a copy.

Mr. BURTON of Indiana. Mr. Chairman, under my reservation the gentleman wants to respond. Is that in order?

The CHAIRMAN pro tempore. That is in order.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SOLARZ] is recognized for 5 minutes.

Mr. SOLARZ. Mr. Chairman, I rise in strong opposition to the amendment offered by my good friend, the gentleman from Indiana [Mr. BURTON]. His amendment would call for the holding of a plebiscite in Kashmir in order to give the people of that territory an opportunity to determine the future political status of the territory. I think that would constitute an utterly unjustified and unwarranted interference in the interal affairs of India and would have an absolutely chilling impact on Indo-American relations.

Let me give you, very briefly, a little bit of history here. In 1947, when the subcontinent was partitioned, the British partition plan provided that each of the princely states, of which Kashmir was one, would have to choose between becoming part of India or part of Pakistan.

The ruler of Kashmir, the Maharajah, opted in favor of becoming part of India. It was a legitimate act of accession.

Pursuant to that act of accession, Kashmir became part of India. It is true subsequent to that time a United Nations resolution was adopted calling for a plebiscite in Kashmir to determine the future of the territory. But that resolution provided that before the plebiscite could be held, all of Pakistan's Armed Forces that were in Kashmir would have to be withdrawn. The reason the plebiscite was never held was because Pakistan never withdrew all of its Armed Forces, as it was supposed to do under the terms of that U.N. resolution.

In 1956, a freely elected constituent assembly in the State of Jammu and Kashmir adopted a contitution which clearly made Kashmir a part of India. Elections were subsequently held in Jammu and Kashmir. Kashmir is clearly a part of India. If we now adopt the resolution calling for a plebiscite in Kashmir, it would be bitterly resented by the people and Government of India.

Would we call for a plebiscite in Quebec? Would we call for a plebiscite in the Basque part of Spain? Would we call for a plebiscite in other parts of the world where some people may not want to remain part of the country to which they now belong? We would not do these kinds of things. This is why we fought a Civil War about 130 years ago. We were not in favor of a plebiscite in those States which wanted to secede from the Union.

Abraham Lincoln made the point that once the Southern States joined the Union, they were part of it permanently.

If you give every minority that might want to secede the right to do so, democracy will cease to exist because every time a minority loses out, it will then opt out of the union of which it is a part.

Supposing we did call for a plebiscite, what kind of a plebiscite would it be? There are probably many people in Kashmir who favor independence. Yet if there is one thing that India and Pakistan agree on, it is that Kashmir should not be independent.

Pakistan, which says it wants a plebiscite, is opposed to a plebiscite in which the voters in Kashmir would have the option of independence. They just want to give them a choice between India and Pakistan.

So I think that the notion of a plebiscite is a total nonstarter. The administration strongly opposes it because they recognize that if we interfere in this way in the internal affairs of India, it will have a devastating impact on the relations between the world's most populous democracy and the world's most powerful democracy.

So I have offered a substitute which urges the Indian Government to resolve their differences with the people of Kashmir peacefully and through ap-

propriate political mechanisms. It also says that the differences between India and Pakistan over Kashmir should be resolved within the framework of the 1972 Simla Declaration, agreed to by both Pakistan and India, in which both countries said that they would resolve the bilateral differences between them through negotiations.

And so, therefore, I think this amendment would be utterly unhelpful. I do not know why my friend from Indiana seems interested in all these amendments to irritate the Indians, but I very much hope that his amendment will be rejected and that my substitute will be adopted.

Mr. Chairman, I yield to my good friend, the gentleman from Massachusetts, such time as he may consume.

□ 1850

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

Mr. Chairman, there is something very tempting, I realize, about the Burton amendment. But, the history of Kashmir suggests that in merely mandating a plebiscite, the United States will not present herself as a thoughtful and informed and wise contributor to a solution to the problems there. So much blood has been shed over Kashmir and so great is the distrust among the parties that it is impossible, even disingenuous, for the United States to decree that a plebiscite after 40 years of discord is the solution.

The situation in Kashmir does not yield to so simple an answer as a plebiscite that is mandated by the United States Government. Without a consensus in the region—either on the part of India and Pakistan or for that matter by the separatist movement itself—as to what would be the terms and goals of a plebiscite, it is rendered essentially meaningless.

I would suggest, for example, that if Kashmir voted to be independent and not a part of Pakistan, then Pakistan would instantly disavow the results of the plebiscite. Pakistan never met the conditions as far back as 1947 to withdraw fully from Kashmir as a condition for the plebiscite then envisioned by the United Nations. And, since then, wars have been fought and lost by Pakistan over this land and still violence persists. Wherein lies the evidence that the situation is any more conducive today to a solution.

In reality, the only chance for an enduring solution to this sad and intractable problem is an accord that would prove reasonable if now wholly satisfactory to India and to Pakistan. In 1972, after the Indo-Pakistani war, both countries acceded to the Simla Declaration in which they agreed to resolve their differences "by peaceful means through bilateral negotiations or by other peaceful means mutually agreed upon between India and Pakistan." Notwithstanding the best intentions of the gentleman from Indiana, it is inconceivable that a solution to the Kashmir problem will be achievable unless these two nations, which tragically have known far too many years of antagonism and mutual suspicion, find themselves negotiating in genuine good faith with each other. The good offices of the United States Government should be applied for this purpose without our suggesting that somehow we have arrived at the solution that has eluded all of the players, including the United Nations, for so long.

I urge my colleagues to support the substitute offered by the gentleman from New York.

Mr. BURTON of Indiana. Mr. Chairman, the people of India are wonderful people, and I am not taking issue with the people of that great country, that democracy. But I am taking issue with the Government and the governmental policies of India toward the people of Punjab and Kashmir.

Now this resolution or this amendment is a sense-of-Congress resolution that the Indian Government ought to live up to the commitment they made in 1948 and 1951 and subsequent to that by Indian leaders who promised a plebiscite on independence to Kashmir. The rapes, the torture, the murders that are taking place up there and have been taking place for the past 44 years are something that the human race should not tolerate, and the people of Kashmir overwhelmingly want a plebiscite on independence.

In addition, as I said before, in 1951 the leader of India, Mr. Nehru, said that he supported that, he supported the United Nations resolution which was passed which granted Kashmir a plebiscite on independence.

Now all I am saying here today is that I think that because of the atrocities that are taking place and because this body and other bodies around the world have not seen fit to put pressure on India to allow Amnesty International and other human rights groups into the Punjab and Kashmir, that we ought to honor this request as promised by the U.N. and former Indian leaders that there be a plebiscite in Kashmir.

Mr. Chairman, these people have suffered long enough, and I urge my colleagues to vote for this sense-of-Congress resolution. There is no cut-off in any developmental assistance, no monetary penalties, but it does express the sense of Congress that we think these people are entitled to democracy, and independence, and freedom, and human rights.

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

The CHAIRMAN pro tempore (Mr. McDERMOTT). The question is on the amendment offered by the gentleman from New York [Mr. SOLARZ] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Are there other amendments to title IX?

If not, the Clerk will designate title X.

The text of title X is as follows:

TITLE X—AFRICA

CHAPTER 1—AUTHORIZATIONS OF ASSISTANCE FOR AFRICA

SEC. 1001. AFRICAN DEVELOPMENT FOUNDATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the purposes of the African Development Foundation, as set forth in the African Development Foundation Act, which include supporting self-help activities at the local level, fostering effective participation, and encouraging the establishment and growth of indigenous development institutions which can respond to the requirements of the poor, are consistent with the purpose specified in section 5101(c) of the Foreign Assistance Act of 1961.

(b) AUTHORIZATIONS OF APPROPRIATIONS.—Section 510 of the African Development Foundation Act is amended by striking out all of the first sentence that follows "purpose," and inserting in lieu thereof "$14,950,000 for fiscal year 1992 and $14,950,000 for fiscal year 1993.".

SEC. 1002. SUPPORT FOR THE SOUTHERN AFRICA DEVELOPMENT COORDINATION CONFERENCE.

(a) ASSISTANCE FOR SADCC PROJECTS.—

(1) FUNDING.—Funds made available for assistance from the Development Fund for Africa for fiscal year 1992 and fiscal year 1993 shall be used to assist sector projects described in section 5102 of the Foreign Assistance Act of 1961.

(2) WAIVER OF RESTRICTIONS.—Funds made available pursuant to this subsection may be used without regard to section 6204 of the Foreign Assistance Act of 1961 or any similar provision.

(b) SECURITY OF SADCC PROJECTS.—The Congress urges the President to use diplomatic means, including multilateral negotiations and cooperation with international organizations, to protect the security of projects supported by the Southern Africa Development Coordination Conference from external attack, and urges the Government of South Africa to respect the territorial integrity of these states and to refrain from direct or indirect military aggression across its borders.

SEC. 1003. ECONOMIC SUPPORT ASSISTANCE FOR SUB-SAHARAN AFRICA.

Of the amounts made available for economic support assistance, $28,300,000 for fiscal year 1992 and $28,300,000 for fiscal year 1993 shall be available only for sub-Saharan Africa.

SEC. 1004. SUPPORT FOR DEMOCRATIZATION IN SUB-SAHARAN AFRICA.

(a) STATEMENT OF THE CONGRESS.—The Congress—

(1) welcomes the commitment of several governments in sub-Saharan Africa to move toward democracy and multiparty systems of government; and

(2) urges the President to increase substantially assistance designed to promote the growth and development of democratic institutions in Africa.

(b) ASSISTANCE FOR DEMOCRATIZATION.—

(1) EXAMPLES OF TYPES OF PROJECTS TO BE SUPPORTED.—In accordance with the provisions of section 1221 of the Foreign Assistance Act of 1961, assistance for democratization in sub-Saharan Africa may include—

(A) support for projects to strengthen the civilian institutions necessary for the growth and development of democracy such as free and independent print and broadcast

media, an independent judiciary, electoral monitoring organizations, independent electoral commissions, human rights monitoring organizations, and other nongovernmental organizations that critically assess government policies and promote citizen participation in government;

(B) infrastructure support for democratic parties and organizations (including the provision of office equipment, transportation, and supplies), and infrastructure support to assist in electoral administration;

(C) support for projects to improve the capabilities of newly elected legislatures and to improve the constitutional and electoral revision process accompanying the transition to democracy; and

(D) support for educational programs and exchanges designed to foster understanding and respect to democratic values.

(2) UTILIZATION OF ORGANIZATIONS WITH EXPERTISE.—In undertaking democratization projects in sub-Saharan Africa, the President should utilize organizations with expertise in implementing programs designed to promote democratic development and political pluralism.

SEC. 1005. AFRICAN CENTER FOR CONFLICT RESOLUTION.

(a) ESTABLISHMENT.—The Administrator of the administering agency for chapter 1 of title V of the Foreign Assistance Act of 1961 shall take such steps as may be necessary to provide for the establishment of an African Center for Conflict Resolution. The purpose of the center shall be to review, analyze, research, and resolve conflicts on the continent of Africa, including regional, national, and subnational conflicts.

(b) FUNDING.—Funds made available for assistance from the Development Fund for Africa for fiscal year 1992 shall be used to support the establishment of the African Center for Conflict Resolution pursuant to subsection (a).

CHAPTER 2—PROVISIONS RELATING TO SPECIFIC COUNTRIES

SEC. 1021. ANGOLA.

It is the sense of the Congress that—

(1) the Government of the People's Republic of Angola and the Union for the Total Independence of Angola (hereinafter in this section referred to as "UNITA") should be commended for their willingness and effort to enter negotiations to reach a ceasefire agreement in the Angolan conflict and to reach agreement on a date for national multiparty elections in Angola; and

(2) the United States should continue to support direct negotiations between the leaders of the Government of the People's Republic of Angola and UNITA to achieve an agreement for a process of national reconciliation among Angolans, including the latest round of negotiations between the parties.

SEC. 1022. BURUNDI.

For fiscal years 1992 and 1993, in determining whether to furnish assistance under the Foreign Assistance Act of 1961 to Burundi, the President shall take into account that the Government of Burundi—

(1) has made substantial progress in reforming its military by engaging in a massive Hutu recruitment program, which is unprecedented in Burundi history;

(2) has taken important steps to reverse the pattern of discrimination against the Hutu; and

(3) has embarked on a major repatriation effort to accommodate the return of thousands of Hutu who fled the country in fear.

SEC. 1023. ETHIOPIA.

(a) STATEMENT OF POLICY.—The Congress—

(1) condemns the pervasive, systematic abuse of human rights by the Government of Ethiopia, including the continued imprisonment of thousands of political prisoners and detainees;

(2) encourages the Government of Ethiopia to continue the dialogue with the parties to the internal conflict in pursuit of a negotiated settlement to the crisis;

(3) finds that without fundamental reform of the Ethiopian state or peaceful resolution of Ethiopia's internal wars, there will be no end to Ethiopia's deep social crisis, no prospects for a transition to stability, growth, and liberty in Ethiopia, and minimal hope that the Horn of Africa will reverse the spread of devastating internal wars that have created massive human dislocation across the region;

(4) supports efforts to ensure that the people of Eritrea are able to exercise their legitimate political rights, consistent with international law, including the right to participate actively in the determination of their political future;

(5) favors the resumption of economic assistance to Ethiopia for development and reconstruction in the event there is clear progress in resolving Ethiopia's internal wars, improving human rights (including the rights of all people to emigrate, travel, and observe religious holidays), and implementing economic reforms;

(6) urges the President and the Secretary of State to focus world pressure and opinion—

(A) upon the Government of Ethiopia to foreswear summary executions, release political prisoners, reform Ethiopia's macroeconomic policies, and facilitate family reunification, and

(B) upon the Government of Ethiopia and its northern opposition to engage in meaningful negotiations that result in a pragmatic, enduring settlement; and

(7) urges the President and the Secretary of State to engage in direct, active discussions with the Soviet Union in order that the peaceful resolution of the crisis in Ethiopia becomes a high priority of both the United States and the Soviet Union, that external military flows to Ethiopia are reduced, and that the approach of the Soviet Union is consistent with that of the West.

(b) SANCTIONS.—The President is urged to use existing legal authorities to impose diplomatic and economic pressures upon the Government of Ethiopia if, after the enactment of this Act, the Government of Ethiopia fails to act in good faith to resolve its internal wars peacefully and to improve respect for internationally recognized human rights.

(c) REPORTS TO CONGRESS.—Not more than 90 days after the date of enactment of this Act and at the end of each 90 day period thereafter, the President shall submit to the appropriate congressional committees a report describing the actions of the Government of Ethiopia during the preceding 90 days with regard to its internal wars, human rights, and economic reform. Each such report shall describe the response of the United States to progress, or lack of progress, by the Government of Ethiopia in these critical areas.

SEC. 1024. KENYA.

(a) FINDINGS.—The Congress finds that—

(1) the United States and Kenya have enjoyed friendly relations based on mutual respect for democratic freedoms and human rights;

(2) Kenya has a key role in promoting regional stability and addressing the humanitarian needs of the people in East Africa;

(3) the Government of Kenya was instrumental in facilitating cross-border operations for the evacuation of United States Embassy personnel in Somalia, and in providing a means of transport for humanitarian assistance during the coup d'etat in Somalia;

(4) the United States is extremely concerned about the fate of the thousands of Somalian refugees to whom access by nongovernmental organizations, the United Nations High Commissioner for Refugees, and other relief agencies is currently being obstructed by actions of the Government of Kenya;

(5) Kenya is one of the largest recipients of United States assistance in sub-Saharan Africa, such assistance having been provided to encourage democratic freedoms and respect for human rights and to promote political stability in Kenya;

(6) recent actions by the Government of Kenya (including repression of critics and dissidents, harassment, arrest and detention of advocates of multiparty democracy, and repression and use of force against demonstrators calling for democracy and peaceful political change) have prompted strong and renewed concerns about human rights violations and the compromising of the independence of the judiciary in Kenya;

(7) reports of human rights violations, including cruel and degrading treatment of prisoners and detainees, arbitrary arrests, denial of fair public trials, and a repression of free expression, have been detailed in the Department of State's Country Reports on Human Rights Practices for 1990; and

(8) the continued campaign of the Government of Kenya against its citizens violates basic principles of international law regarding human rights and fundamental freedoms.

(b) STATEMENTS OF POLICY.—The Congress—

(1) condemns the arrest and detention of Kenyan citizens for the peaceful expression of their political views;

(2) condemns the Government of Kenya's disregard of human rights and fundamental freedoms;

(3) calls upon the Government of Kenya to end the intimidation and harassment of those who are critical of government policies and those working for democracy in Kenya, particularly individuals within the church, the press, and the legal and academic communities; and

(4) calls upon the Government of Kenya to implement effective safeguards to ensure unrestricted freedom of the press and the independence of the judiciary and to guarantee due process and other fundamental civil rights and human rights for individuals imprisoned or otherwise detained by the Government.

(c) ASSISTANCE AND MILITARY SALES.—

(1) SUSPENSION.—Subject to paragraph (2), economic and military assistance and sales to Kenya (including deliveries of assistance previously obligated and sales previously made) shall be suspended as of the date of the enactment of this Act.

(2) WAIVER.—The President may waive the restriction in paragraph (1) if the President determines and reports to the appropriate congressional committees that the Government of Kenya is taking steps to—

(A) charge and try (in accordance with internationally accepted standards) or release all prisoners, including any persons detained for political reasons;

(B) cease any physical abuse or mistreatment of prisoners;

(C) respect the independence of the judiciary; and

(D) respect freedom of expression.

(3) DEFINITION.—For purposes of this subsection, the term "economic and military assistance and sales" means economic support assistance, foreign military financing assistance, and sales of defense articles and defense services under the Defense Trade and Export Control Act.

SEC. 1025. LIBERIA.

(a) FINDINGS.—The Congress finds that—

(1) as a result of a protracted civil war, a general breakdown of law and order, the displacement of up to one-half of the country's population, the destruction of significant sections of the infrastructure, and the resulting economic collapse, the people of Liberia are suffering from—

(A) severe malnutrition and life-threatening disease conditions;

(B) a total collapse of Liberia's agricultural market due to abandoned farmlands and displaced farmers; and

(C) a nationwide dismantling of the health, educational, and sanitation systems; and

(2) because of a long, historical, and special relationship with the Republic of Liberia, it is in the interest of the United States and the international community to respond to the urgent needs of the people of Liberia and to assist in every way possible that country's effort to restore democracy and promote democratic institutions.

(b) UNITED STATES POLICY.—It shall be the policy of the United States to commit heightened diplomatic resources and energies to resolving the fundamental political conflicts which underlie the protracted humanitarian emergencies in Liberia.

(c) CIVIL STRIFE ASSISTANCE.—Funds made available for international disaster assistance may be used to provide assistance for civil strife relief, rehabilitation, and general recovery in Liberia. Such assistance shall be provided for humanitarian purposes and shall be provided on a grant basis. In providing such assistance, priority shall be given to funding—

(1) activities which maximize the use of private voluntary organizations for relief, rehabilitation, and recovery projects;

(2) activities which emphasize the health projects, including efforts to rehabilitate the primary health care system of Liberia;

(3) activities which contribute to the restoration of schools and the general education system, including efforts to support the teaching of displaced children;

(4) activities which contribute to efforts by the international community to respond to Liberian relief and development needs; and

(5) activities which will restore water and power services.

(d) USE OF ESF PIPELINE FUNDS TO SUPPORT PEACEKEEPING OPERATIONS IN LIBERIA.—

(1) AUTHORIZATION.—The President is authorized to deobligate funds that have been obligated for economic support assistance for Liberia for any prior fiscal year but that are unexpended on the date of enactment of this Act and transfer those funds to the "PEACEKEEPING OPERATIONS" account under chapter 6 of title II of the Foreign Assistance Act of 1961 for use in supporting peacekeeping efforts in Liberia by the Economic Community of West Africa Monitoring Group (ECOMOG).

(2) REQUIREMENT FOR APPROPRIATIONS ACTION.—The authority provided in paragraph (1) may be exercised only to the extent provided in advance in an appropriations Act.

(e) RESTRICTIONS ON ASSISTANCE TO THE GOVERNMENT.—

(1) REQUIREMENT THAT THERE BE RECONCILIATION AMONG ALL PARTIES.—For fiscal years 1992 and 1993, assistance under the Foreign Assistance Act of 1961 may be provided to the Government of Liberia only if the President reports to the appropriate congressional committees that the Government of Liberia has achieved substantial progress toward reconciliation among all parties to the conflict in Liberia.

(2) CONSIDERATIONS IF THERE IS AN ELECTED GOVERNMENT.—If the President has made the determination required by paragraph (1), in determining whether to provide assistance to the Government of Liberia the President shall consider whether that government is committed to respecting internationally recognized human rights, freedom of the press, the independence of the judiciary, freedom for the members of the legal community to practice their skill and defend their clients without fear, harassment, or persecution, and full participation in the political and reconciliation process by all parties.

SEC. 1026. MALAWI.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Malawi has provided refuge to some 920,000 refugees from Mozambique despite great costs to the Malawian economy, and since 1986 has generously supported the work of the United Nations High Commissioner on Refugees;

(2) President H. Kamazu Banda has ruled Malawi since 1964, and his rule has been characterized by severe repression and abuses of human rights, including political imprisonment, torture, unfair trials, and deaths in detention;

(3) the Government of Malawi continues to detain without charge or trial a number of prominent Malawian citizens because of their political views, including Goodluck Mhango, Aleke Banda, Orton and Vera Chirwa, and approximately 20 other prisoners;

(4) according to the Department of State's Country Reports on Human Rights Practices for 1990, the Government of Malawi restricts freedom of the press and prohibits political meetings outside the framework of the ruling party; and

(5) the Malawi Young Pioneers are a force in the suppression of freedom of expression and in the intimidation of Malawian citizens, hindering prospects for the democratization of the country.

(b) STATEMENTS OF POLICY.—The Congress—

(1) recognizes and commends the Banda Government's response to the influx of refugees from Mozambique;

(2) condemns the abuse of human rights of Malawian citizens which has characterized the Banda presidency; and

(3) urges President Banda to release prisoners of conscience, end incommunicado detention and torture and abuse of prisoners, and permit freedom of speech and association in Malawi.

(c) RESTRICTIONS ON MILITARY ASSISTANCE.—For fiscal years 1992 and 1993, foreign military financing assistance for Malawi—

(1) may not be provided for the Malawi Young Pioneers; and

(2) may only be provided to support the Malawian military's effort to secure the Nacala Railroad and for military activities which assist in the Mozambique peace process, including the protection of Mozambiquan refugees.

SEC. 1027. MOZAMBIQUE.

(a) STATEMENTS OF POLICY.—

(1) BILATERAL ACTIONS.—It shall be the policy of the United States—

(A) to give high priority to encouraging a constitutional transition to multiparty democracy in Mozambique and to securing a fair negotiated political settlement between the Government of Mozambique and Mozambique National Resistance (RENAMO), which includes a ceasefire and free and fair elections;

(B) to continue to expand its bilateral development assistance to Mozambique through appropriate private and public channels;

(C) to strengthen Mozambique's transport sector through United States assistance to the Southern Africa Development Coordination Conference (SADCC);

(D) to identify additional opportunities in the health and other sectors in Mozambique for United States support of Mozambique's reconstruction; and

(E) to contribute to Mozambique's national reconciliation.

(2) MULTILATERAL ACTIONS.—It shall be the policy of the United States to encourage international support for generous levels of emergency humanitarian assistance (including food, medical care, shelter, and agricultural assistance) for the one third of Mozambique's population that is displaced or otherwise at-risk in that country, as well as the approximately 1,000,000 Mozambican refugees located in neighboring countries.

(b) RELATION OF ASSISTANCE TO HUMAN RIGHTS.—The provision to Mozambique of economic support assistance and foreign military financing assistance for fiscal years 1992 and 1993 shall bear a relation to significant steps by the Government of Mozambique to increase respect for internationally recognized human rights in Mozambique, and thereby promote a political settlement to the conflict in the country.

(c) REPORTS TO CONGRESS.—Not later than February 1, 1992, and not later than February 1, 1993, the President shall report to the appropriate congressional committees on the actions the United States Government has taken to carry out this section.

SEC. 1028. SOMALIA.

(a) FINDINGS.—The Congress finds that—

(1) a violent civil war, compounded by political anarchy, has resulted in a complete collapse of the Government of Somalia and its ability to provide services and protection to the citizens of Somalia; and

(2) a rapidly increasing refugee problem and the oppressive regime, along with other factors, have led to the spiraling decline of the Somalian economy.

(b) UNITED STATES POLICY.—It shall be the policy of the United States—

(1) to encourage a peaceful and democratic solution to the problems in Somalia; and

(2) to commit heightened diplomatic resources and energies to resolving the fundamental political conflicts which underlie the protracted humanitarian emergencies in Somalia.

(c) RESTRICTION ON ASSISTANCE TO THE GOVERNMENT.—For fiscal years 1992 and 1993, foreign military financing, international military education and training, and economic support assistance may be provided to the Government of Somalia only if the President determines and reports to the appropriate congressional committees that the Government of Somalia has made significant progress toward democratization and respect for internationally recognized human rights.

(d) FOOD ASSISTANCE.—In providing assistance for refugees in Somalia under the Agricultural Trade Development and Assistance Act of 1954 for fiscal years 1992 and 1993, the President should attempt to ensure that—

(1) an impartial counting of eligible beneficiaries of food assistance by the United

States and other donors has been or is being completed;

(2) none of the beneficiaries belong to military or paramilitary units; and

(3) the amount of such assistance does not significantly exceed the number of beneficiaries of such assistance.

(e) CIVIL STRIFE ASSISTANCE.—Funds made available for international disaster assistance may be used to provide assistance for civil strife relief, rehabilitation, and general recovery in Somalia. Such assistance shall be provided for humanitarian purposes on a grant basis. In providing such assistance, priority shall be given to assistance for—

(1) activities which maximize the use of private voluntary organizations for relief, rehabilitation, and recovery projects;

(2) activities which emphasize the health projects, including efforts to rehabilitate the primary health care system of Somalia;

(3) activities which contribute to the restoration of schools and the general education system, including efforts to support the teaching of displaced children;

(4) activities which contribute to efforts by the international community to respond to Somalian relief and development needs; and

(5) activities which will restore water and power services.

SEC. 1029. SOUTH AFRICA.

(a) NEED FOR A COMPREHENSIVE POLICY, INCLUDING ASSISTANCE.—It is the sense of the Congress that—

(1) the United States should support the elimination of apartheid and the establishment of democratic majority rule in South Africa through a comprehensive policy to bring about a nonracial democracy;

(2) this policy should include, among other measures, assistance for disadvantaged South African groups and organizations which are neither controlled nor financed by the Government of South Africa, and such assistance should include the encouragement of private investment in firms owned by disadvantaged South Africans consistent with the Comprehensive Anti-Apartheid Act of 1986, scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, and alternative education and community development programs;

(3) United States firms in South Africa should provide similar assistance; and

(4) the President should seek the cooperation of United States allies in Western Europe and Japan to join in similar multilateral initiatives to aid disadvantaged South Africans.

(b) LOW-INCOME HOUSING ASSISTANCE.—Funds made available for assistance from the Development Fund for Africa for each of the fiscal years 1992 and 1993 shall be used for assistance for the development, construction, and financing of low-cost housing in South Africa consistent with subsection (a)(2). Such assistance shall be provided through nongovernmental organizations or under conditions that are accepted by credible anti-apartheid groups.

SEC. 1030. SUDAN.

(a) UNITED STATES POLICY.—It shall be the policy of the United States to encourage negotiations between the Government of Sudan and the Sudanese People's Liberation Army in order to end the conflict between these two warring factions which has stifled the delivery of humanitarian assistance to the region, setting the stage for massive starvation.

(b) FOREIGN MILITARY FINANCING ASSISTANCE.—Except as provided in subsection (d), foreign military financing assistance may not be provided for Sudan for fiscal years 1992 and 1993.

(c) ECONOMIC ASSISTANCE.—

(1) PROHIBITION ON ASSISTANCE TO THE GOVERNMENT.—Except as provided in subsection (d), economic support assistance may not be provided to the Government of Sudan for fiscal years 1992 and 1993.

(2) ASSISTANCE FOR BASIC HUMAN NEEDS.—Should any assistance be provided to meet basic human needs in Sudan, the President shall take the necessary steps to ensure that such assistance reaches the intended recipients.

(d) REPORT ON PROGRESS TOWARD RESPECT FOR HUMAN RIGHTS AND DEMOCRATIZATION.—Subsections (b) and (c)(1) shall cease to apply if the President determines and reports to the appropriate congressional committees that the Government of Sudan is making significant progress toward respect for internationally recognized human rights and democratization.

SEC. 1031. ZAIRE.

(a) FINDINGS.—The Congress finds that—

(1) the people of the United States and the people of Zaire have cooperated in educational programs, cultural affairs, foreign policy issues, and economic development efforts in the 30 years since the independence of Zaire;

(2) the people of the United States support the development of democratic institutions in Zaire that reflect the will of the people of Zaire;

(3) in a speech given on April 24, 1990, President Mobutu Sese Seko of Zaire stated that he was committed to the establishment of a multiparty democracy and the holding of free and fair elections in Zaire;

(4) the people of Zaire have clearly endorsed the introduction of political pluralism in Zaire, as reflected in the establishment of political parties, and have engaged in public debate on the political future of Zaire;

(5) despite President Mobutu's statements on behalf of multiparty democracy, there are continued reports of arrests and other harassment of persons attempting to exercise their rights;

(6) in May 1990, students in Lubumbashi University were violently attacked by Zairian security forces, leading to an undetermined number of casualties;

(7) in April 1991, security forces attempted to suppress political rallies in Lubumbashi and Mbuji-Mayi, provoking a confrontation that led to the death and injury of dozens of Zairian civilians;

(8) to ensure a successful political transition which enjoys credibility in Zaire, the process that culminates in national elections must have the strong support of a broad spectrum of Zairian society, including all major opposition political parties, as well as labor, professional, and other nongovernmental organizations, and the direct participation of these groups in drafting a new constitution and in organizing the procedures and the timing of national elections; and

(9) important elements of that process will include respect for freedoms of expression, association, and assembly; fair access to the broadcast media for opposition candidates and parties; an electoral law and procedures that guarantee fairness; and an effective transition government that is politically neutral.

(b) STATEMENT OF THE CONGRESS.—The Congress—

(1) congratulates all the people of Zaire for their efforts to form political parties and encourage political pluralism in their country;

(2) urges the Government of Zaire to agree to the establishment of independent international inquiries into attacks on students at Lubumbashi University in May 1990, and into the incidents at Lubumbashi and Mbuji-Mayi in April 1991;

(3) urges the Government of Zaire to implement quickly and fully the commitment to provide fair access to the broadcast media for opposition candidates and parties;

(4) urges the Government of Zaire to ensure respect for freedom of expression, association, and assembly at all levels and throughout Zaire and to protect from harassment all citizens exercising their democratic rights;

(5) urges the creation of a politically neutral transition government with full autonomy for administering the country prior to national elections, including effective control over security forces and finances;

(6) urges the direct participation of a broad spectrum of Zairian society, including all major opposition political parties, as well as labor, professional, and other nongovernmental organizations, in the drafting of a new constitution;

(7) stresses the importance of an electoral law and electoral procedures that guarantee impartiality in electoral administration, provide adequate resources and legal authority to those responsible for administering the elections, allow an adequate time period for newly established political parties to organize and campaign, and permit international election observers; and

(8) expresses its readiness to explore ways of providing support to facilitate the holding of free and fair elections in Zaire.

(c) FOREIGN MILITARY FINANCING ASSISTANCE.—Except as provided in subsection (g), foreign military financing assistance may not be provided for Zaire for fiscal years 1992 and 1993.

(d) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—Except as provided in subsection (g), international military education and training under chapter 5 of title II of the Foreign Assistance Act of 1961 may not be provided for Zaire for fiscal years 1992 and 1993.

(e) ECONOMIC SUPPORT ASSISTANCE.—Except as provided in subsection (g), economic support assistance may not be provided for Zaire for fiscal years 1992 and 1993.

(f) DEVELOPMENT ASSISTANCE.—Except as provided in subsection (g), assistance from the Development Fund for Africa and development assistance for fiscal years 1992 and 1993 shall not be transferred to the Government of Zaire. This subsection does not prohibit nongovernmental organizations from working with appropriate ministries or departments of the Government of Zaire.

(g) WAIVER IF THERE ARE FREE AND FAIR ELECTIONS.—

(1) AUTHORIZATION.—The President may waive the prohibitions in subsections (c) through (f) if the President determines, and reports in accordance with paragraph (2), that free and fair national elections have been held in Zaire. In making such a determination, the President shall take into account the extent to which the election process was consistent with the policies set forth in paragraphs (8) and (9) of subsection (a) and paragraphs (6) and (7) of subsection (b).

(2) CONGRESSIONAL REVIEW OF DETERMINATION.—A determination under paragraph (1) shall not become effective until 15 days after it is reported to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961.

(3) CONGRESSIONAL REVIEW OF ASSISTANCE.—If the President has made the determination required by paragraph (1), the President shall notify the appropriate congressional committees at least 15 days before any obligation of funds for any assistance for Zaire described in subsections (c) through (f). Any such notification shall be considered in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961.

CHAPTER 3—UNITED STATES COMMISSION ON SOUTHERN AFRICA

SEC. 1041. SHORT TITLE.

This chapter may be cited as the "United States Commission on Southern Africa Act".

SEC. 1042. FINDINGS.

The Congress finds that—

(1) apartheid in South Africa has resulted in great disparities between whites and nonwhites, particularly in education, health care, employment opportunities, and availability of housing;

(2) education is not compulsory for blacks in South Africa;

(3) black South Africans have far fewer medical professionals and health care services available to them than whites: white South Africans have 1 physician for every 326 people, while black South Africans have one physician for every 3,400 people; there are only 20 black dentists and 70 black pharmacists for a black population of 25,000,000; segregation in state hospitals has resulted in overcrowding in black hospitals, yet white hospitals have empty beds; budgets for white hospitals are higher than for black hospitals even though black hospitals have 4 times as many patients as white hospitals;

(4) there is a key role for concerned United States citizens and businesses in the private sector to assist in enhancing the development of human resources in southern Africa; and

(5) there is a need for the United States to assist in the development of human resources in southern Africa in the public and private sector, in order to improve in general the living conditions of nonwhites in South Africa, and lay the foundation for effective leadership in a democratic post-apartheid society in South Africa and Namibia.

SEC. 1043. ESTABLISHMENT.

There is established the United States Commission on Southern Africa (hereafter in this chapter referred to as the "Commission"), which shall not be an agency or establishment of the Federal Government.

SEC. 1044. PURPOSE OF COMMISSION.

(a) IN GENERAL.—The purpose of the Commission is to solicit private sector funds to conduct programs to develop skilled personnel at various levels in the public and private sectors in South Africa and Namibia, particularly in middle management positions, by providing for the training of disadvantaged South Africans and Namibians, including refugees from South Africa in other countries, for positions in business and government in their respective countries, primarily in the fields of education, health care, law, and housing.

(b) AUTHORITIES.—In carrying out its purpose, the Commission may—

(1) establish, implement, and provide funds for human resource development programs for disadvantaged South Africans and Namibians, including educational and training programs in business and public administration, health care and the delivery of health care services, education, legal assistance, and housing; and

(2) provide scholarships and internships to disadvantaged South Africans and Namibians for appropriate study and training.

SEC. 1045. MEMBERSHIP; CHAIRPERSON.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members appointed by the President from among persons who are not officers or employees of any government. Not more than 6 members of the Commission may be members of the same political party.

(b) CONTINUATION OF MEMBERSHIP.—If any member of the Commission becomes an officer or employee of a government, he or she may continue as such member for not longer than the 30-day period beginning on the date he or she becomes such an officer or employee.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed for terms of 4 years. No member may serve consecutive terms.

(2) STAGGERED TERMS.—Of the members of the Commission first appointed, 5 shall be appointed for terms of 2 years (as designated by the President at the time of appointment).

(3) VACANCIES.—Any member appointed to fill a vacancy on the Commission occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his or her term until a successor has taken office.

(d) NON-FEDERAL CHARACTER AND PER DIEM.—Members of the Commission shall not, by reason of their membership on the Commission, be considered to be officers or employees of the United States. The members of the Commission shall receive no pay on account of their service on the Commission, except that, while away from their homes or regular places of business in performance of duties of the Commission, members of the Commission may be allowed travel and transportation expenses to the same extent as is authorized in section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

(e) CHAIRPERSON.—The Commission shall elect a chairperson from among its members. The chairperson shall serve for a term of 2 years.

(f) BYLAWS.—The Commission may adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business.

SEC. 1046. PRESIDENT AND STAFF OF COMMISSION.

(a) PRESIDENT OF THE COMMISSION.—The Commission shall appoint and fix the pay of the President of the Commission.

(b) STAFF.—Subject to such rules as may be prescribed by the Commission, the President of the Commission may—

(1) appoint and fix the pay of such personnel, and

(2) procure the services of such experts and consultants,

as the President of the Commission considers appropriate.

(c) NON-FEDERAL CHARACTER.—The President and staff of the Commission shall not be considered to be officers or employees of the United States by reason of their service on the Commission.

SEC. 1047. POWERS OF COMMISSION.

(a) GIFTS, BEQUESTS, AND DEVISES.—The Commission may solicit, accept, hold, administer, invest, and use gifts, bequests, and devises of money and property, both real and personal, in furtherance of the purposes of this chapter. Money and property accepted pursuant to this subsection, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such money or property. Funds donated to and accepted by the Commission pursuant to this subsection are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds.

(b) AUTHORITY TO CONTRACT OUT.—In carrying out its purpose and activities, the Commission may enter into contracts with (to the extent that funds are available) and make grants to or obtain grants from State, local, and private agencies, organizations, institutions, and individuals.

SEC. 1048. REQUIREMENTS.

(a) USE OF FUNDS.—Funds made available by the Commission for programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the "homeland" and "urban council" authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development. Nothing in this subsection shall be construed to prohibit programs which are consistent with this subsection and which award university scholarships to students who choose to attend a South African-supported university.

(b) FINANCIAL BENEFITS.—No part of the assets of the Commission shall inure to the benefit of any member of the Commission, any officer or employee of the Commission, or any other individual, except as salary or reasonable compensation for services.

(c) INDEPENDENT AUDITS.—

(1) AUDITS.—The accounts of the Commission shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Commission are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Commission and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) REPORT.—The report of each such independent audit shall be included in the annual report required by section 1049. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Commission's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Commission's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(d) AUDITS BY COMPTROLLER GENERAL.—

(1) AUDITS.—The financial transactions of the Commission for each fiscal year may be audited by the Comptroller General of the United States in accordance with such principles and procedures and under such rules as may be prescribed by the Comptroller General. Any such audit shall be conducted at

the place or places where accounts of the Commission are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Commission pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Commission shall remain in the possession and custody of the Commission.

(2) REPORTS.—A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General considers necessary to inform the Congress of the financial operations and condition of the Commission, together with such recommendations with respect thereto as the Comptroller General considers advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this chapter. A copy of each report shall be furnished to the President and to the Commission at the time the report is submitted to the Congress.

(e) RECORDS OF RECIPIENTS.—

(1) RECORDS.—The Commission shall ensure that each recipient of assistance provided through the Commission under this chapter keeps separate accounts with respect to such assistance and such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) ACCESS TO RECORDS.—The Commission shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Commission under this chapter. The Comptroller General of the United States or any authorized representative of the Comptroller General shall also have access to such books, documents, papers, and records for such purpose.

SEC. 1049. REPORT.

The Commission shall transmit to each House of the Congress, not later than December 31 of each year, a report on its activities during the preceding fiscal year.

SEC. 1050. FUNDING.

Amounts made available for assistance from the Development Fund for Africa for fiscal year 1992 shall be provided as a grant to the Commission to carry out this chapter.

CHAPTER 4—OTHER PROVISIONS

SEC. 1061. UNITED STATES TRADE RESTRICTIONS ON PRODUCTS FROM SUB-SAHARAN AFRICA.

It is the sense of the Congress that special efforts should be undertaken to reduce trade barriers and to promote economic interchange between the United States and developing countries in sub-Saharan Africa.

SEC. 1062. RECOGNITION OF SUB-SAHARAN AFRICAN SUPPORT DURING THE PERSIAN GULF CRISIS.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of Senegal, one of the first sub-Saharan African countries to respond to the plea for international cooperation following Iraq's invasion of Kuwait, sent troops to the Persian Gulf region early in the conflict and suffered the highest number of casualties in a single Gulf-related incident, and the Government of the Republic of Senegal supported United States-sponsored resolutions on the Gulf crisis in the United Nations Security Council;

(2) the Government of Sierra Leone sent a medical team to the Gulf region, which remains after the cessation of hostilities and the United Nations ceasefire agreement to assist during the peacekeeping activities, and the Government of Sierra Leone consistently supported the United States in the United Nations by supporting the Security Council resolutions on the Gulf crisis;

(3) the Government of Niger was the first sub-Saharan African country to respond to the international appeal for international unity in restoring peace to the Gulf region, sending 481 brave and committed troops to join the coalition forces, and the Government of Niger actively supported the United States in the United Nations by supporting the Security Council's Gulf resolutions and has continued to support the peace efforts now that the ceasefire is in effect;

(4) in addition to the support provided by those countries, the United States received support and encouragement from many countries in sub-Saharan Africa whose economic situation and military limitations did not allow them to participate directly in the military coalition's efforts; and

(5) in the face of adversity and danger, the countries of sub-Saharan Africa stood with the international coalition in the effort to restore peace to the Persian Gulf region.

(b) RECOGNITION OF THEIR SUPPORT.—It is the sense of Congress that—

(1) the countries of Sub-Saharan Africa are to be applauded and paid a public debt of gratitude and appreciation for their courageous stance during the Persian Gulf conflict, a signal to the world that the countries of sub-Saharan Africa are committed to the rule of law;

(2) those countries are to be commended for their support of the United States in a time of crisis.

SEC. 1063. CONDITIONS ON FURNISHING IMET FOR SUB-SAHARAN AFRICA.

(a) CONSIDERATIONS IN PROVIDING ASSISTANCE.—International military education and training may be provided to a country in sub-Saharan Africa only if the President considers—

(1) whether that country has a government that—

(A) was democratically elected as the result of free and fair elections, or

(B) is committed to respecting internationally recognized human rights and to permitting freedom of expression and has achieved substantial progress in a process of democratization;

(2) whether the armed forces of that country are involved in human rights violations or the government of that country otherwise fails to respect internationally recognized human rights; and

(3) whether the armed forces or other elements of the government of that country are actively engaged in destabilization efforts aimed at any other country.

(b) REPORTS TO CONGRESS.—If international military education and training is provided to any country in sub-Saharan Africa that is not described in paragraph (1) of subsection (a) or that is described in paragraph (2) or (3) of subsection (a), the President shall, within 30 days after obligating funds for such assistance to that country, submit to the appropriate congressional committees a report setting forth the reasons for providing such assistance.

SEC. 1064. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

Of the amounts made available for assistance from the Development Fund for Africa, $6,000,000 for each of the fiscal years 1992 and 1993 shall be transferred to the "INTERNATIONAL ORGANIZATIONS AND PROGRAMS" account under chapter 4 of title I of the Foreign Assistance Act of 1961. The funds so transferred shall be available only for contribution to the International Fund for Agricultural Development, in addition to amounts otherwise made available for contribution to that organization.

SEC. 1065. EXEMPTIONS FROM RESTRICTIONS ON ASSISTANCE.

The restrictions on assistance contained in this title shall not apply with respect to—

(1) international narcotics control assistance; or

(2) assistance provided through private voluntary organizations or other nongovernmental organizations for the holding of free and fair elections.

SEC. 1066. UNITED NATIONS EDUCATIONAL AND TRAINING PROGRAM FOR SOUTHERN AFRICA.

Of the amounts made available for assistance from the Development Fund for Africa, $400,000 for each of the fiscal years 1992 and 1993 shall be transferred to the "INTERNATIONAL ORGANIZATIONS AND PROGRAMS" account under chapter 4 of title I of the Foreign Assistance Act of 1961. The funds so transferred shall be available only for contribution to the United Nations Educational and Training Program for Southern Africa, in addition to amounts otherwise made available for contribution to that organization.

SEC. 1067. PREEMPTION OF STATE AND LOCAL SANCTION MEASURES AGAINST NAMIBIA.

(a) PREEMPTION.—Effective upon the date of enactment of this Act, any sanction imposed by any State or any governmental subdivision thereof, that is directed at South Africa or persons engaging in commercial or financial transactions in or with South Africa, and that also applies with respect to Namibia, shall be null and void to the extent that such sanction applies to Namibia or persons engaging in commercial or financial transactions in or with Namibia, unless such application is consistent with Federal law.

(b) DEFINITION.—For purposes of this section, the term "State" means any of the Several States, the District of Columbia, and any of the territories or possessions of the United States.

Mr. DE LA GARZA. Mr. Chairman, I would like to thank my distinguished colleague from Florida and chairman of the House Foreign Affairs Committee, Mr. FASCELL, for his leadership on the Enterprise for the Americas Initiative [EAI] legislation included in the foreign aid reauthorization bill.

This legislation builds on the EAI authorized in the Food, Agriculture, Conservation, and Trade Act of 1990, which provided the President with authorization to reduce concessional Public Law 480 obligations to eligible Latin American countries, by providing additional authorization for the reduction of concessional AID obligations to such countries.

As the gentleman from Florida knows, both the House Committee on Agriculture and the

House Foreign Affairs committees share jurisdiction over various parts of the EAI. Therefore, I am happy to report that both committees were able to work out an amendment to clarify several aspects of the EAI legislation included in this bill.

Such amendment clarifies that at least one member of the Environment for the Americas Board shall be from the Department of Agriculture and that the EAI Facility, established in the 1990 farm bill, will be responsible for supporting the objectives of the EAI through administration of debt reduction operations for those Latin American nations that meet the economic and investment conditionality established by the 1990 farm bill for Public Law 480 concessional obligations and by this legislation for AID concessional obligations.

These requirements, to the extent possible shall be coordinated to provide for effective implementation of the reduction of concessional obligations in the EAI.

In close, Chairman FASCELL and I discussed in an exchange of letters dated June 3, 1991—which have been submitted for the record—that in the interest of not delaying House floor action on this bill, the Committee on Agriculture would not ask for sequential referral over this part of the bill. Nevertheless, this action was taken without in any respect waiving the jurisdiction of the Committee on Agriculture over matters within its jurisdiction.

I look forward to working with the gentleman from Florida on other parts of the EAI in the future.

Mr. SOLOMON. Mr. Chairman, last Wednesday, during the initial consideration of H.R. 2508, the distinguished chairman of the Committee on Foreign affairs, Mr. FASCELL, offered an en bloc amendment that contained two provisions that I had offered.

The first provision was sense-of-Congress language in support of the application by the Republic of Korea to become a member of the United Nations. The ROK, as every Member knows, has been a longstanding and faithful ally of the United States. More than 50,000 Americans died during the Korean conflict of 1950 to 1953 in order to protect the liberty and independence of the Republic of Korea.

Now that the ROK has come of age—politically, socially, and economically—as a respected member of the international community, it is altogehter fitting and proper that it be admitted as member state in the United Nations.

And, indeed, the UN has a special interest in the maintenance of peace and security on the Korean peninsula because a United Nations Command is still in place to assist in the defense of the ROK against aggression. The Security Council resolutions calling on the international community to protect the ROK against aggression are still in effect.

An endorsement by Congress of the Republic of Korea's bid for membership of the United Nations is timely and important.

The second provison that I offered concerns the nation of Ethiopia. The downfall in late May of the regime headed by the tyrant Mengistu Haile Mariam offers a ray of hope that a new day for Ethiopia has dawned.

The language I offered in the en bloc amendment calls upon the new authorities in control of Ethiopia to do what is necessary to establish a broadly-based provisional government that will begin the process of writing a Constitution and establishing a fully representative government. The language calls on the authorities in Ethiopia to respect human rights, implement economic reforms, and facilitate the districution of emergency humanitarian assistance.

The language also addresses the authorities in Eritrea and calls on them to open the ports of Mitsiwa and Aseb and to allow the restoration of commerce through those ports, as well as the delivery and distribution of emergency humanitarian assistance through those ports.

Mr. Chairman, we all pray that Ethiopia's long dark night is over. The devastation wrought by 17 years of Marxist tyranny has reduced the proud and ancient nation of Ethiopia to a state of profound crisis in all spheres—political, economic, and social. But the Mengistu regime is gone, and the opportunity to build a new Ethiopia is at hand. The language in the en bloc amendment calls upon our President to continue his active efforts on behalf of reconciliation and reconsideration in Ethiopa.

Mr. Chairman, I want to think my good friend, Mr. DYAMLLY, the distinguished new chairman of the Subcommittee on Africa, for his assistance in putting this amendment together.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the Taylor amendment, and in opposition to the McCollum substitute.

As GENE knows, I have gone before the Armed Services Committee, where he is a member, in an effort to get an amended version of my bill, H.R. 919, adopted to get our taxpayer-owned heavy equipment and machinery away from foreign governments and back to the States for their own use. GENE TAYLOR'S amendment will help get us started on that mission.

Fifty-two of my colleagues have joined me in cosponsoring my surplus property bill, as it is called.

I asked for and got a GAO report early this year showing where millions of dollars' worth of government owned equipment, paid for by American taxpayers, goes after the Defense Department no longer wants it or need it. It goes to 39 foreign countries—and they don't pay a dime for it. They not only don't pay a dime for it, the U.S. Government pays to have it repaired in good condition for their use, and the U.S. Government pays to have it transported to 39 countries free of charge. GAO also found that in order to give away 48 million dollars' worth of heavy equipment, U.S. taxpayers had to pay another $46 million for its repair and transportation costs. America paid twice for the same goods—for a total of $94 million.

When the States get access to such equipment, even though the Defense Department has characterized it as mostly scrap and junk, States still pay to have it transported, and then they pay to have it repaired—or they don't get it.

Since my bill was introduced, I have heard from hospitals, child care centers, homeless shelters, waste water treatment management teams, mayors with flood control and stream erosion projects, firemen, policemen, and school superintendents—to name only a few—who have an urgent need for heavy construction equipment, machinery, compressors and power generators. They can't afford to buy them new.

Vote for the Taylor amendment, and the workers, farmers, school children on buses, mostly in rural, desperately poor, isolated parts of America will thank you for getting their road graded and smooth—not paved mind you—just graded.

Mr. MCCOLLUM'S amendment says the President should decide if these pieces of equipment could serve the national interest overseas, better than they could serve the national interest here at home.

Mr. Chairman, I am tired of having our national interest defined as what's good for foreign governments. Our national interest is defined, in my book, as what is good for the United States.

There is $25 billlion in this foreign aid bill we are considering today. And not a dime will go to any State in the Union.

This is probably the only time in the history of this body that Members will have a chance to vote on a foreign aid bill that contains assistnce for the United States of America—rather than foreign governments. What an opportunity to do something for the greater good.

I call on the 52 cosponsors of H.R. 919 to come to this floor and vote for the Taylor amendment.

I have copies of recent newspaper editorials in your hometown newspapers about how the Rahall surplus property bill keeps getting dropped in committee afterr committee. Any member is welcome to read them.

I was just honored to receive, from the great State of Oklahoma—a resolution passed by its State senate and sent the U.S. Congress, in support of the Rahall surplus property bill.

I repeat—this may be the only chance in our history that you have the opportunity to vote for a foreign aid bill that will help the States. Vote for the Taylor amendment.

Ms. LONG, I support the Bereuter amendment. The cargo preference provisions in the Foreign Aid Authorization Act, H.R. 2508, are very troubling. As a farmer, and a member of the House Agriculture Committee, I know the importance of keeping agricultural export costs to a minimum.

The provision which requires that 50 percent of the goods purchased by cash transfer recipient countries be carried on U.S. ships would be damaging to U.S. agriculture. They would erode the value of U.S. foreign aid and decrease exports, in particular agricultural exports.

The cargo preference provisions would make American exports more expensive because they would mandate that goods be exported in a costlier manner. According to the Agency for International Development [AID], the cost of shipping on U.S. vessels averages significantly more per ton than the cost of shipping on foreign-flagged ships. I support a strong domestic shipping industry, but it makes no sense to increase the cost of exporting, especially at a time when our Nation is trying to deal with stubborn trade deficits and trying to improve our foreign trade position around the world.

I urge my colleagues to support the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I have proposed two amendments to ensure that our foreign military aid is not offered in a way which undercuts the goals of economic assistance to the same governments.

Taken together, the two amendments: First, underscore that military and economic aid are linked; and second, require that military aid not be provided to any country if it would hinder the achievement of the economic assistance goals: democracy, economic growth, environmental preservation and poverty alleviation.

The committee has agreed to accept en bloc my amendments regarding the policy of providing military aid. I appreciate that cooperation.

I would explain that my amendments grew out of concerns that the bill as reported does not make a clear link between military and economic aid and does not explicitly recognize that military aid we provide with the left hand in some cases can undercut the economic aid we provide with the right hand. Permit me, then, to try to show why these amendments are needed.

LIMITED AID DOLLARS

One reason is because we have limited foreign aid dollars and we must ensure that they meet essential foreign aid goals and the needs of friends and allies. The "United Nations Development Report of 1991" shows that poverty in the developing world can be alleviated: Average life expectancy in developing countries increased by 16 years and adult literacy by 40 percent in the past three decades.

IMPACT OF AID SHIFT

If we shift some foreign aid from military to economic accounts we can accelerate these trends. A shift of only one-third of today's global aid could increase spending on human development priorities by fourfold. Note that this does not require an increase in overall aid, but a shift of priorities. Now that the cold war is over, we can afford to make a major reinvestment of our aid; away from military aid and toward food and development aid. When we do so, we not only save lives but advance our national interests.

Even if Third World nations alone froze their military spending at current levels, they could save up to $150 billion in the next decade for human development. If donors matched this amount, by the year 2000 we could achieve the goals of universal primary education and health care, safe water for all, and the end of serious malnutrition. Imagine what we could do if we and other nations joined in a compact to change our priorities.

EXCESS MILITARY AID DIVERTS RESOURCES FROM HUMAN DEVELOPMENT

The UNDP report also documents the adverse impact of military spending by Third World governments. The governments which spend the most on arms, not surprisingly, spend the least on health, nutrition, and education. They spend much on arms and little on people.

Among such governments are recent or present recipients of United States military aid: Zaire, Chad, Tunisia, Pakistan, Honduras, El Salvador, and Peru. In these and other nations, excess military spending means that human development suffers and children die needlessly. In effect military aid reinforces the worst budget behavior of the worst governments.

EXCESS MILITARY AID CAN EXACERBATE HUNGER AND INCREASE CONFLICTS

Other examples of excess military spending occur in Sudan, Ethiopia, and Somalia. These are three governments which the United States and the Soviets armed to the teeth as part of cold war rivalries. But the weapons supplied were not used in the cold war but turned against the people in the Horn of Africa. This aggravated the famines which persistently stalk these nations and which now threaten 20 million people. Instead of promoting growth and stability our aid and that of others fostered conflict and poverty. I might add that Mr. BEREUTER, Mr. WHEAT, and I will later offer an amendment to redress this particular problem.

EXCESS MILITARY AID UNDERCUTS DEMOCRACY

I would also point out that these same military aid recipients have some of the worst records in the world on democracy, economic growth, resource management, and human rights. For example, among United States military aid recipients with the lowest human freedom index rankings are: the Philippines, Zaire, and Pakistan. So we must understand that military aid is not a neutral commodity: it can serve legitimate goals but also undermine some of our most important foreign policy goals.

CONCLUSION

We have to ensure that our military aid is not given in a way which undercuts the essential objectives of our development policy; democracy, poverty alleviation, sustainable economic growth, and environmental preservation.

My amendments set in place the policy framework to achieve that goal. We can really achieve a New World Order—one in which democracy and economies flourish and in which hunger, epidemics, and illiteracy are banished—if we will lead the way in realigning our foreign policy and the aid that embodies it.

So I urge support for my amendments and for further concrete budget steps to realign our foreign aid to fight hunger, disease, and illiteracy instead of the fading cold war.

Mr. FASCELL. Mr. Chairman, I move to strike the last word so that I may explain what is happening here.

Mr. Chairman, we are going to rise so we can bring up the next bill. We will complete this bill tomorrow. We have one amendment that has been agreed to. We have one amendment, an up-or-down vote after 10 minutes of debate, on funds to ANC, and then we will go into title XI, and there is only one pending amendment there. So we will finish in very short order tomorrow.

Mr. Chairman, I want to thank my colleagues, both on this side and on the other side, for their cooperation, and particularly the chairman.

The CHAIRMAN pro tempore. Does the gentleman from Florida [Mr. FASCELL] have a motion?

Mr. FASCELL. Mr. Chairman, I move that the committee do now rise.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. MCNULTY having assumed the chair, Mr. MCDERMOTT, Chairman pro tempore 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. WELDON. Mr. Speaker, due to a death in the family, I was called away from Washington. In that time, missed several votes on H.R. 2508. Had I been present, I would have voted in the following manner on these questions:

Rollcall 165, "no"
Rollcall 166, "aye."
Rollcall 167 "aye."
Rollcall 168, "no."
Rollcall 169, "no."
Rollcall 170, "aye."

PERSONAL EXPLANATION

Mr. ECKART. Mr. Speaker, I was unavoidably detained in my office and missed rollcall vote No. 176, the Kyl amendment to the foreign aid authorization bill for fiscal years 1992 and 1993, regarding aid to the Soviet Union. Had I been present, I would have voted "aye."

I ask unanimous consent that this explanation be made a part of the permanent RECORD of official House proceedings immediately following the vote thereon.

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

There was no objection.

REPORT ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL FOR FISCAL YEAR 1992

Mr. YATES, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102-116) on the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes; which was referred to the Union Calendar and ordered to be printed.

Mr. REGULA reserved all points of order on the bill.

WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2621, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1992

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 177 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 177

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2621) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered for amendment under the five-minute rule. During consideration of the bill, all points of order against provisions in the bill for failure to comply with clauses 2 and 6 of rule XXI are hereby waived. The bill shall be considered for amendment by title instead of by paragraph and each title shall be considered as having been read. No amendment to the bill shall be in order except for the amendments printed in the report of the Committee on Rules accompanying this resolution. The amendments shall be considered in the order and manner specified in the report and shall not be subject to amendment except as specified in the report. The amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. All points of order against the amendments in the report are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 177 is a modified open rule providing for the consideration of H.R. 2621, making appropriations for foreign operations, export financing, and related programs for fiscal year 1992.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate, the bill will be read by title for amendment and each title shall be considered as having been read.

The rule waives all points of order against provisions in the bill for failure to comply with clauses 2 and 6 of rule XXI. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in general appropriations bills. These waivers are necessary because authorizing legislation on various programs in this bill has not yet been enacted.

In addition, Mr. Speaker, clause 6 of rule XXI prohibits reappropriations in general appropriations bills. The clause 6 waivers are necessary to allow the transfer of unexpended balances from one account to another and the extension of authority to obligate those funds in the new fiscal year.

Under the rule, no amendment to the bill shall be in order except for the amendments printed in the report of the Committee on Rules accompanying this resolution. The rules waives all points of order against the amendments, which shall be considered in the order and manner prescribed in the report and shall not be subject to amendment except as provided in the report. Each amendment shall be debatable for the period specified, equally divided and controlled by the proponent and a Member opposed thereto.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, H.R. 2621, the foreign aid appropriations bill is a carefully crafted piece of legislation. The bill appropriates approximately $15.3 billion for U.S. foreign aid programs, of which $135 million will go toward deficit reduction. The bill conforms to last year's budget summit agreement, and is nearly $900 million below the fiscal year 1991 appropriations level.

As chairman of the Select Committee on Hunger, I would like to commend Chairman OBEY for including provisions to improve the conditions of children suffering from hunger and poverty around the world. Chairman OBEY was instrumental in earmarking a minimum level of funding for child survival activities of $275 million. A minimum of $135 million was also earmarked for basic education by the Appropriations Committee.

Mr. Speaker, these levels reflect the amounts included in my Freedom From Want Act. These levels also passed the House as amendments to the foreign aid authorization act just last week.

I would also like to commend Chairman OBEY and my colleagues on both sides of the aisle for including $630 million for the migration and refugee assistance account, and for providing a $30 million increase for the Office of Foreign Disaster Assistance. This money for refugees and disasters goes to help the most vulnerable people in the world.

Mr. Speaker, this is a fair and carefully crafted rule that is designed to facilitate House consideration of important foreign aid related issues. I urge my colleagues to adopt it.

□ 1900

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

Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding me this time.

Mr. Speaker, I came over to this Chamber today with two speeches about this rule, the one I had originally intended to give, and the one I am going to give now. One is called my total opposition to this rule speech, being very upset about it, and the other is my kinder, gentler speech, which I will give here.

Mr. Speaker, suffice to say, that the events that unfolded on the floor yesterday helped everyone concerned to realize that the impasse we had reached on this particular rule had to be broken if we were going to let the House work its will.

Mr. Speaker, I must say at the outset that I cannot support the rule. However, I am going to restrain my expression of opposition, and will not call for a vote on it. I hope that no other Member will call for a vote.

I would like to take this time to explain to Members the understandings that I have about the agreements that were reached late yesterday afternoon at a meeting attended by the bipartisan leadership, the gentleman from Massachusetts [Mr. MOAKLEY], myself, and the floor managers of the foreign operations appropriations bill.

First, it was agreed that the rule for this bill, a rule that denies Members their right to offer amendments to reduce the level of appropriations contained in the bill, will not serve as a precedent or a model for future rules on general appropriations bills.

Mr. Speaker, I think that is extremely important. If we did not have that agreement, by all means I would not be standing here somewhat restrained in my demeanor.

Second, it was agreed between Speaker FOLEY and our Republican leader, the gentleman from Illinois [Mr. MICHEL], that there will be closer bipartisan consultation and cooperation concerning rules requests. That means all rules requests.

I might say that this really is not a partisan thing. The growing number of restrictive rules we have seen lately does not affect only the Republicans, it affects every Member of this House. Members saw some of that on the floor here yesterday when this House was tied up in knots by a Member from the Democrat side of the aisle who kept this House going for about 6 hours. Maybe that is what we should have been doing on our side of the aisle.

When restrictive rules are handed down for no plausible reason, the rights of all Members are being hurt in the process, and that is wrong.

Third, Mr. Speaker, it was agreed between the gentleman from Massachusetts [Mr. MOAKLEY] and myself that there will be closer bipartisan consultation and cooperation when the Committee on Rules meets. We have to establish some kind of common ground, or else the time of the House will be increasingly taken up by these protracted battles over the rules and the kind of action that Members saw on the floor of the House yesterday, and that is wrong. I do not want to participate in that type of thing, and I do not think any other Member does.

Mr. Speaker, finally, the gentleman from Massachusetts [Mr. MOAKLEY], has agreed to conduct hearings concerning the precedents that have been established in the past for the consideration of general appropriations bills, as well as the precedents that exist which concern the minority's right to offer motions to recommit, with or without instructions, something we have historically had.

Mr. Speaker, as Members know, the denial or limitation of the minority's recommittal rights has become an increasingly bitter bone of contention, and something has got to be done about that.

Mr. Speaker, I would like to thank all Members who participated in that meeting yesterday, including the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Illinois [Mr. MICHEL], and the Speaker, the gentleman from Washington [Mr. FOLEY]. If the agreements that were reached are lived up to, I believe the interests of every Member of this House will be better served.

Mr. Speaker, we have already heard an explanation by the gentleman from Ohio [Mr. HALL] of what is presently under consideration in this rule. In the interests of comity and of allowing the process to go forward, I will have no further comments about that.

Mr. Speaker, I include for the RECORD the speech I had originally intended to give in opposition to the rule. I am sure that my friends, especially those members on the Committee on Rules, for whom I have very deep respect, will find it to be interesting reading.

Mr. Speaker, I yield myself such time as I may consume. And I rise in opposition to this rule. I cannot ask the Members to support it.

Mr. Speaker, the rule before us denies Members their right to offer amendments that reduce the level of appropriations contained in this bill. This violation of the rules and precedents of the House should be of vital concern to every Member.

If the Rules Committee can re-write this part of the rules and precedents today, what will it be re-writing tomorrow?

The argument on behalf of this restrictive rule notes that this foreign operations appropriations bill has been considered under rules virtually identical to this one in four of the past 5 years. The implication seems to be that two wrongs make a right. Or three wrongs, or four wrongs all make a right.

Mr. Speaker, a rule that denies Members the right to make cutting amendments on a general appropriations bill is always wrong—I don't care what the so-called precedents are.

So then the argument comes back to us: "Sure, the rule may be restrictive, but all of the amendments filed by Republican members were made in order." And so we are supposed to be grateful.

Mr. Speaker, a letter was sent by Chairman MOAKLEY last week to all Members advising them that amendments to this bill would have to be filed ahead of time. I appreciate the fact that the chairman sent out his letter in a timely fashion that gave Members enough time to get their amendments ready—something that wasn't done the last time we handled this bill.

But I would suggest that the history of abusive rules for this particular bill has had a chilling effect on Members.

Given the fact, for example, that only three Republican amendments were made in order at all last year, how could Members have any expectation that they would receive better treatment this year? Especially when we were being led to believe that the restrictive rules in 4 of the past 5 years were serving as the model for this year's version.

So, having succeeded in warding off amendments in the first place, the Rules Committee now condescends to make in order such few Republican amendments as were filed.

And so now we get to the best comeback of all. Our friends on the other side of the aisle say: "This kind of rule is called for because the bill has to be protected on behalf of the administration." I tell you, Mr. Speaker, this notion that Democrats on the Appropriations Committee are doing the bidding of the administration has become the last refuge of the scoundrel.

The statement was made in the Rules Committee and elsewhere yesterday that this foreign operations appropriations bill is giving the administration 99 percent of what it asked for.

But the administration's policy statement on the bill, which I am looking at right now, comes up with a radically different estimate.

And even if the administration is getting 99 percent of what it asked for, what about all the rest it's getting which it didn't ask for? This policy statement from the administration is nine pages long, single-spaced. Nine pages worth of objections to provisions in this bill. And I can advise Members that the "V" word—veto—appears right off the bat in the second paragraph on page one. And, believe me, it's downhill from there.

So let's stop trying to kid each other. This rule has no business being on the floor. It's an insult to the rules and precedents of the House. It ought to be defeated. And I reserve the balance of my time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE], the ranking Republican on the Committee on Appropriations.

Mr. MCDADE. Mr. Speaker, I am also constrained to rise in opposition to House Resolution 177.

As Members are aware, this rule has engendered no small amount of controversy, which came to a boil yesterday.

Much of this stems from the minority's legitimate concern about the unilateral decisionmaking that led to a rule closing off both amendments and motions to strike.

I might be useful to review the history here.

On June 11, Chairman MOAKLEY circulated a "Dear Colleague" letter notifying Members that their ability to offer amendments could only be guaranteed if those amendments were submitted to the Rules Committee by June 17.

I understand that there was absolutely no consultation with the minority on this and that the letter came as a surprise.

The rule that was reported, despite the expressed concerns on this side of the aisle, went ahead and restricted amendments which could be offered, precluding Members from offering simple motions to strike.

The ability to offer motions to strike on appropriations measures is a time-honored and important tradition.

There may be extraordinary occasions when such a rule is called for, but such extraordinary occasions probably must occur in the eyes of the beholders on both sides of the aisle.

In raising serious objections to the rule yesterday afternoon, a number of Members protested not only this rule specifically, but the precedent it could set for future debate on appropriations bills and other major legislation.

This is not the first time this has happened. We went through this debate on the foreign ops rule last year.

I am pleased that House leadership and Rules members met last night so that objections over this process could be aired.

I am heartened by leadership's promise to stipulate that this rule will not create a precedent.

Mr. Speaker, one of the basic principles upon which this democratic institution operates is the right of both parties to express freely their views.

Mr. Speaker, I fully sympathize, at 10 minutes past 7 o'clock, at the end of a long day, with those who wish to limit consideration of the foreign aid appropriations bill, after such a protracted debate on authorization, which has not yet even concluded.

It has been a tiring process, especially for my colleagues, the gentleman from Florida [Mr. FASCELL] and the gentleman from Michigan [Mr. BROOMFIELD].

But that is not really the issue here.

Our concern over the rule goes far beyond that. It goes to the ability of the minority to play a meaningful role in the process.

While I oppose House Resolution 177, I do support heartily the commitment

the leadership gave last night to meet with us to develop a future policy which satisfies our concerns.

I am glad that they have recognized the legitimacy of our complaints.

Insofar as these policies will apply to appropriations bills, I look forward to participating fully as we work together to improve the process.

□ 1910

Mr. Speaker, because of the circumstances that led to this closed rule, I must oppose it and I urge my colleagues to do likewise.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume just to say to my good friend, the gentleman from Pennsylvania [Mr. McDADE], that I had great reservations about being restrained in my opposition to this rule. But the one reason in favor of the rule, again, other than what I stated concerning the meeting with Speaker FOLEY and others, is the fact that all Republican amendments which were prefiled are allowed under the rule and will be debated on the floor of this House as soon as we pass the rule. That includes even amendments that were not germane, one in particular by the gentleman from Ohio [Mr. McEWEN].

I thank the gentleman for his remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in opposition to this rule.

Mr. Speaker, if my colleagues look back through the history of parliamentary bodies, they will find that they arose for one specific reason and that was to put limitations on monarchs. The idea behind parliamentary democracy was that one would limit the spending of government by limiting the ability of the monarch to spend the people's money.

The main way that one did that was by striking out the spending that the monarch wanted to make, and so for the traditional, the whole history of parliamentary bodies, the motion to strike has been an important tool for individual members.

For 200 years in the Congress, the motion to strike was held sacrosanct. Thee have only been two previous occasions when the motion to strike was denied to Members of the House of Representatives, and those two previous occasions came in the 2 years just previous to this on this bill. And each time we have been told that it is being done because the administration wants it or there is some other reason, but fundamentally, what is happening here is we are setting a precedent that on some appropriation bills, a fundamental right of Members shall be taken away by the Rules Committee.

I think that is terribly wrong. It is a terribly bad precedent, and it is high time that Members stand up and fight for it on both sides of the asile.

If Members are not permitted the fundamental right of reaching into an appropriations bill and, regardless of what other rule exists, striking out spending or limiting spending, we have in fact been denied that which has been the traditional right of Members for the entire history of parlimentary democracy. I would suggest to my colleagues that we ought not to do this tonight or any other time.

Many Members may remember the allegorical story that talks about the fact that first they came for the Communists and I was not a Communist, so I did not cry out. Next they came for the Jews, and I was not a Jew, so I did not cry out. Next they came for the laborers, and I was not a laborer and I did not cry out. And then they came for me.

Let me tell my colleagues, tonight if you are a Member of the House, they are coming after you, because the fundamental right of all Members for the time honored tradition of parliamentary bodies is being stricken in this rule. We are being told in this rule that our right to take spending out of the bill regardless of anything else is no longer a right. It is only a privilege to be granted whenever the Rules Committee so determines.

I do not think Members want to do that. I do not think the majority Members of this body want to do that. I certainly know that the minority Members of this body do not want to do that. I realize that after some negotiations last night, we ended up with an agreement, and the gentleman from New York feels that we can be kinder and gentler. And I respect that, but I would suggest that kinder and gentler does not make up for the fact that we are being denied something which is very, very basic. I would hope that we would have strong vote against this rule that would say that for all Members, we do not want the right to strike taken away.

We want, in fact, the kind of rules that assure on an appropriations bill that every Member, on every occasion appropriations come to the floor, has the ability to limit spending or to strike the spending altogether. The House can go along with them one way or the other. Some of those votes may be tough votes, but it is what democracy and particularly parliamentary democracy is all about.

I would ask the House to turn down this rule.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

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

Mr. EDWARDS of Oklahoma. Mr. Speaker, as the gentleman knows, the minority in particular, but I think many Members of the other side as well, have strong feelings that the right to strike is a very basic right that ought to be protected. And as the gentleman knows, we have had some assurance from the chairman of the Rules Committee and from the Speaker that this would not be setting a precedent on other appropriation bills. I want to compliment the gentleman for the point that he has made so articulately and let him know that we all need to be watching to make sure that that is the case, that this is treated as an exception, if this rule is adopted, that it is treated as an exception and not a precedent.

If we are to set a precedent of allowing the right to strike to be taken away from Members on either side of the aisle, I think it would be a very bad thing for this institution.

Mr. WALKER. I hope the record of this particular debate will demonstrate that it is the intention for this to be treated as an exception this time. I would simply say to the gentleman though that he, like me, has studied congressional actions over a period of time. And we know that from time to time parliamentarians reach back some years. I would hate to think that I was a part of a Congress that created a precedent that at some point in the future some parliamentarian will reach back for and say, "Oh, the ability to strike from an appropriations bill has been taken away before by the Rules Committee. It is no big thing. We will simply do it. Back in the 1980's, in the 1990's, Congress already determined that that was all right."

I think that we will put ourselves down the road toward ending the fundamental nature of parliamentary bodies if in fact we allow that precedent to be in place.

Mr. EDWARDS of Oklahoma. The gentleman makes a very valid point.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

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

Mr. SOLOMON. Let me just say the gentleman knows that I feel exactly the way he does. If there is one tenet I do not believe in, it is turning the other cheek. And I think the gentleman knows that. If there is one Member of this House who believes in an eye for an eye, it is this gentleman.

If I did not believe that I could trust the statements of those Members on both sides of the aisle in the meeting yesterday, I would not be standing up here. I would be raising more cain than the gentleman in the well. I say, let us give it a try. Let us see what happens, and no way does this set a precedent or are we bound. And God forbid, if these agreements are not lived up to, come on and join me and we will have a fight like Members have never seen before.

Mr. WALKER. I appreciate the gentleman's statement. I know he feels like I do on this. I think it is also important to demonstrate in a very, very

clear way that the House of Representatives does not agree with this kind of rule that takes away from each individual Member a fundamental right and privilege as a Member of this body.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], chairman of the Subcommittee on Foreign Operations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me simply say, in response to the gentleman from Pennsylvania, as someone who served all of my years in the State legislature, save one term, in the minority and having had the pleasure of having in those days the speaker not only have ironclad control over the rules but also have the ability to appoint all minority members to committees, which was a unique experience, I think I am pretty sensitive to the needs of minorities in parliamentary bodies. I have never forgotten that experience.

I simply want to make clear that in my view what happens on this bill, which is fairly unique, in no way, certainly in my eyes, can be regarded as precedent setting for other appropriations bill, especially given the fact that in 1981, there was not even a foreign aid appropriations bill on the floor so there was no opportunity to get at any amendments in the bill.

□ 1920

In 1982, there was a bill. Then for the next 4 years we again saw this bill folded in a continuing resolution, and again there was absolutely no opportunity to offer any amendments. In 1987, the same thing.

In the 5 years since I have been chairman, this bill has come to the floor on its own without being folded into a continuing resolution.

In 1990, or for the fiscal 1990 bill, the bill was open, but in fiscal 1988, 1989, 1991, and 1992, the bill was brought to the floor under a virtually identical rule to the one we are operating under tonight. The only difference between this bill tonight and the bill a year ago is that every Republican amendment that minority Members asked to have made in order was made in order, and to my knowledge, at least, not one indicated to me any request to offer any cutting amendment whatsoever that was not allowed.

In fact, the only amendments that were offered and noticed in the RECORD to be offered by Members of the minority, except for the gentleman from Ohio [Mr. MCEWEN], the only amendments to be offered by Republicans were efforts to raise, not lower, amounts in the bill.

I do not think that we are in a position of preventing reduced spending. In fact, when we are finished tonight, this bill will be the only appropriation bill which does not spend all of the authority provided to it. We, in fact, dedicated 1 percent of this bill explicitly for deficit reduction rather than for spending on foreign aid.

I think, on balance, we have tried to take care of the legitimate desires of Members pretty well, and I appreciate the cooperation of the Committee on Rules on both sides of the aisle.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. MCEWEN], a member of the committee.

Mr. MCEWEN. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, I am one of the few with an amendment that is protected under this rule.

I think it is important to point out that the chairman of the Rules Committee, Mr. MOAKLEY, did make an effort to be as fair as he could in soliciting amendments for this restrictive rule. However, his fairness and short advance notice do not change the fact that this rule severely restricts the right of Members on both sides of the aisle.

None of us in this body doubt that the average, hard-working, tax-paying, lawn-mowing American wishes with all his or her heart that Congress would find a way to reduce spending. One of the simplest, most straightforward ways for a Member to reduce spending—regardless of which side of the aisle that Member may be on—is to do so through a cutting amendment.

The simple truth is that this rule does not allow that basic right to be exercised. So, it seems to me, that is in the interest of virtually every Member of this body—indeed, in the best interest of this institution—that we defeat this rule and protect the rights of all Members, both majority and minority.

The American people will have good reason to be upset with this body if we do not find ways to reduce spending by the Federal Government. And they will have good reason to be outraged if we agree that we will not even entertain any discussion or debate about reducing spending on a bill that would appropriate more than $15 billion.

To be sure, there are any number of substantive problems—in this Member's view—with this particular appropriations bill. Those are matters of policy such as the drastic cut of more than $400 million in the administration's request for foreign military financing. Meanwhile, at the same time, this bill appropriates far more than the administration requested in refugee assistance. Those two provisions taken together imply that the House is saying that we would prefer to withhold assistance to any of our allies trying to defend themselves, and would rather help them after they have become defeated and oppressed refugees.

There are other substantive problems with the bill as crafted—and I would ask unanimous consent, Mr. Speaker, to enter into the RECORD the administation's statement of its position—but my focus here is not on the substance of the bill. It is tempting to use this time to object to controversial portions of this bill that have been deliberately crafted to draw a veto from the President, namely those provisions that would weaken current law for abortion-related activities carried out in China by the U.N. Population Fund. Likewise it is tempting to spend more time objecting to the shortage of military support for Turkey when that country was so supportive during Operation Desert Storm and still must deal with a neighbor by the name of Saddam Hussein.

Unfortunately, the debate that will occur later on these and other issues will be less than full due to this restrictive rule. So, our focus now, Mr. Speaker, should be upon the procedure. And that procedure is one that should displease every Member of the House. In short, the process unfolded like this:

On June 11, before the Appropriations Committee even reported its foreign operations bill, Chairman MOAKLEY sent out a letter that put Members on notice that amendments would be restricted. It is fair to say that most Members were not aware of that restriction until at least Wednesday, June 12th. It arrived in my office via inside mail on Friday, June 14th;

On June 12, the committee reported its bill;

Printed copies of the bill were not available for Members to see until late Thursday, June 13th—by which time many members already were headed home for work in their districts all across this country;

On Friday, the 14, while most Members were out of town, the House Legislative Counsel office finally received its copy of the bill and report. So Members like this one, who were asking for assistance from that office, had to wait until Monday to have amendments in final form;

This Monday, June 17, the designated deadline for amendments, not only were many Members not yet back in town, but even those who were, doubtless had not had time to read through the bill and report to determine whether or not they wished to offer any amendments. And even if Members had amendments to offer, only one of the Legislative Counsel staff members was available to help Members and their offices. That employee should not have been expected to handle all requests before the 5 p.m. deadline for submission to the rules committee;

On June 13, meanwhile, Chairman WHITTEN of the Appropriations Committee requested a rule with the normal waivers, that is, he did not request a restrictive rule like the one before us today.

We then proceeded in the Rules Committee to issue this restrictive rule. Included in it, as I mentioned, was an amendment that I was able to get in before the Monday afternoon deadline. I am thankful for that, but nonetheless must oppose the rule because of the way it abridges the amendment rights of all Members.

Let me reiterate: Mr. MOAKLEY, I believe, did his best under a compressed timeframe. But the fact remains that a restrictive rule is exactly that—restrictive. We should not be restricted in our efforts to control spending, or to give voice to the interests of the people we represent.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I thank the gentleman for yielding me this time. I thought I would have an opportunity to speak when we were on the bill, but this will do.

Mr. Speaker, I recognize the fact that I, again, swim upstream. I have lis-

tened to a lot of people in this body with much more seniority and who are much wiser than I attempt to make changes in this legislation, but I have heard very few people who have suggested that the entire concept was a mistake, and so I can count. I recognize the fact that the rule will pass, and the bill will pass.

But I want to say to my colleagues that it is not the way the S&L crisis was handled, it is not congressional pay increases, it is not junkets, it is not breaches of ethics that have caused this body to become alienated from the American public. It is our attitude toward legislation of this kind.

I do not have any problem with my country continuing to stand for humanitarian efforts overseas, to reach out the hand of this great democracy when there is famine and pestilence and real need. I do not have a problem really with authorizing the Secretary of State to expend with some discretion up to maybe a half million dollars or so, but this business of every year coming into this institution and institutionalizing foreign aid, making it assistance in perpetuity when there is no hope of any reduction, and when I talk to friends who lobby me about this and say, "Well, I know we should send money to countries like Egypt and Israel. But can you tell me when we might expect some reduction? Will it be in the year 2000 or 2010? Will it be on the 100th anniversary of the State of Israel," which I admire with all my heart? when is it to end? What are we to say to our folks at home, my dear colleagues, when they try to have us explain to them why we are now giving from the taxpayers in eastern and central North Carolina over $15 million to the Soviet Union? and the tank tracks in the sands of Eastern Europe have not yet been washed away.

We are told that there are two superpowers in the world, maybe only one economic, but there are certainly two superpowers militarily, and we are here with all the problems we have, with all the deficit, with all the need at home, we are sending money to the Russians.

You explain that to your folks if you can. I am against it, and I suggest that we should be ashamed of ourselves.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker and my colleagues, the gentleman who just preceded me in the well makes a point similar to what I probably would have made in my junior years as a Member of this body. In those days, I used to say, "Do not confuse me with the facts. My mind is made up. Vote against the rule on foreign aid, vote against the foreign aid bill, no matter what."

Things can change when you are around here for a while and you take on a few more responsibilities and become, as in my case, leader, but those who serve in very prestigious positions on the Committee on Appropriations have to do their particular thing.

I think the roots of my decision have to be predicated in part on what we did in the budget resolution and the budget considerations last year, at the close of last year, when we determined that foreign aid and international affairs would be a specific item, defense would be a specific item, and then all the rest would be grouped as a third item. We pretty well locked into place what we thought we had to do for the next several years in the international field and in defense.

Of course, then, there was very little out there to be doled around discretionarywise.

Mr. Speaker, I am sorry that I missed the earlier part of the debate, but I suspect that several of my colleagues would take their usual pattern of attempting to have this House speak at will on every issue and have a free and open debate, and as open a rule as possible. This distinguished gentleman from Pennsylvania has advocated that and argued that case for as long as I can remember. Similarly for the gentleman from New York.

I recall in my days on the Committee on Appropriations as we used to come on this floor, we did not really need all that many rules in those days, and it was quite a freewheeling kind of debate; motions to strike were always in order, because we were always attempting on the Committee on Appropriations to cut back from some higher authorized level, and I think some of us may or may not have made our name by having employed that tactic during the course of the deliberations on individual appropriation bills.

We now come to a bill where, for example, all kinds of points could be made. I guess it could not be made any better than it was in the foreign aid authorization bill that we were considering earlier, with amendments coming off the wall of all kinds, sizes, description, and what not.

It is the kind of legislation where, you know, it could be no holds barred and everybody can have a say, and it is very difficult then, I tell you, to try and hold it, hold a good piece of legislation in line.

The gentleman from Wisconsin and I have had a number of conversations about the fact that there is not all that much of a constituency back home for any parts of this bill. Yes, there are certain items, and we can isolate them here and there, but generally speaking, it is a tough bill to manage on the floor of this House. The distinguished gentleman who just preceded me on the floor made the case very well for his point of view, and I am sure satisfying the wishes of his constituents, but I have got to carry water on both shoulders in this case, because I know what has to be done in the national interest, what the administration would like to have, what the Secretary of State would like to have and the President, quite frankly, to implement foreign policy by way of the foreign assistance program, whether it is military assistance, economic development, and all the rest.

So I am going to support this rule notwithstanding the fact that there have been some good arguments made against the proposition that we ought not to preclude motions to strike on appropriation bills.

□ 1930

The motion to strike has been a time-honored kind of thing around here that many Members have employed over a period of years. But here again is one of those very tough bills that we want to protect as best we can for those who have the responsibility to conduct in principle not only our foreign aid program but our entire foreign policy.

I appreciate the attitude of the gentleman from Wisconsin during the course of the meetings we have had with one another. I appreciate, certainly, the attitude of the gentleman from Oklahoma [Mr. EDWARDS] who, likewise, has a similar job, what with his constituency, in attempting to shepherd this bill.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I know the gentleman had some discussions over some of the concerns we had about this rule that led to some of the actions on the floor yesterday; does the gentleman have some assurance that we are never going to see the motion to strike taken away from Members again?

Mr. MICHEL. Mr. Speaker, I thank the gentleman for raising the subject, because in the private deliberations that we were having yesterday with the Speaker and with the majority leader and with the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], and specifically before we had agreed to it, the gentleman from Massachusetts [Mr. MOAKLEY] said, "I'm not considering this as any kind of precedent here." It was raised by the distinguished gentleman from Oklahoma.

The gentleman from Massachusetts [Mr. MOAKLEY] responded in that regard, saying, "We don't consider this to be a precedent because it is a unique kind of situation." And it was for that reason that this Member was persuaded that it is probably the route we have to go in this instance.

I appreciate the gentleman reminding me, because it is very important.

Mr. WALKER. If the gentleman will continue to yield, can we expect next

year, when this bill comes to the floor, and this is the third straight year when this has been employed on this bill, can we expect next year when it comes to the floor, while there may be some restrictions, at least the motion to strike——

Mr. MICHEL. From time to time we take each individual bill on its own merits at any given time. It would be nice if I could say flat out that I have that feeling and assurance and that that is the way I feel at that time. We will have to wait and see what this consideration is, but I am sure the gentleman will remind me at that time of this particular exchange and dialog, and what is it that again forces Members, if we have to, to make it 4 years in a row rather than 3.

I understand what the gentleman is saying.

Mr. WALKER. If the gentleman will continue to yield, my concern is obviously this: This is only the third time in the entire history of the Congress that we have employed this tactic. Now we have gone through a lot of other foreign crises before and the question is whether or not this is something that we want to continue as a pattern.

I would certainly hope that we would seek some assurance as we seek not to have a precedence, we also seek not to hold this bill as kind of a special bill where the Members do not have a right that has been a 200-year tradition.

Mr. SOLOMON. Mr. Speaker, let me point out that while there may not be any expressed constitutional bars against limiting amendments to appropriation bills, the fact still remains that Congress does have the preeminent power of the purse under the Constitution, and I could argue strongly against any rule that limits our right to exercise that power fully and freely.

Mr. Speaker, I yield my remaining 3½ minutes to the distinguished ranking minority member of the subcommittee, the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I do not intend to take that long. I wanted to respond to the gentleman from North Carolina, because I think it is important that the people in this Chamber understand what is in this bill and what is not when he speaks about aid to the Soviet Union. I might say, that that money is primarily for technical assistance. It is money primarily, half of it to the Baltic Republics, which by U.S. policy we consider to be sovereign independent nations. I might also point out that the money is provided for the purpose of promoting democratic reforms.

The gentleman said in the opening part of his statement talking about, I think, Israel, he said, "How long are we going to have to do this," because that money is primarily to help our allies in providing for the common defense. I might say that the way we are going to end that and stop having to give the aid is when we see the threat removed. The more we can do to promote democratic reform throughout the world, the sooner the gentleman will not see the United States having to give security assistance to countries that are joined with the United States in trying to protect our common interests.

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

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 264, nays 135, not voting 33, as follows:

[Roll No. 180]

YEAS—264

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Bruce
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeLauro
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schulze
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—135

Allard
Archer
Armey
AuCoin
Baker
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bryant
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
Fields
Franks (CT)
Gallegly
Gilchrest
Gillmor
Gingrich
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hubbard
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kolbe
Kopetski
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Miller (WA)
Molinari
Moorhead
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Ramstad
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Vander Jagt
Walker
Walsh
Weber
Weldon
Williams
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—33

Ballenger
Bentley
Brown
Campbell (CA)
Clay
DeFazio
DeLay
Dicks
Espy
Fawell
Frost
Gekas

Goodling	Levine (CA)	Oberstar
Gray	Lloyd	Rahall
Hammerschmidt	Lowery (CA)	Serrano
Hopkins	Martin	Spence
Huckaby	Martinez	Spratt
Klug	McCloskey	Torricelli
LaFalce	Nowak	Vucanovich

□ 1956

The Clerk announced the following pairs:

On the vote:

Mr. Serrano for, with Mr. Hammerschmidt against.

Mr. Oberstar for, with Mr. DeLay against.

Mr. KOPETSKI and Mr. JOHNSON of Texas changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONSIDERATION OF ADDITIONAL AMENDMENT TO H.R. 2621, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1992

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that it be in order to consider, in addition to those amendments to H.R. 2621 made in order by House Resolution 177, an amendment to be offered by Representative CONYERS of Michigan or Representative HORTON of New York or their designee, to be debatable for not to exceed 10 minutes, equally divided and controlled by the proponent and a Member opposed, which shall not be subject to amendment, to be considered following amendment numbered 10 in House Report 102-115, and in the following form:

On page 116, strike lines 22 through 25.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I do not intend to object, I simply do so to take this time to commend the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts, for accommodating the request of the chairman and ranking Republican of the Committee on Government Operations to make in order the additional amendment to strike.

I also want to commend the chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], and the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentleman from Wisconsin [Mr. OBEY], for agreeing to this request, as well as in light of last night's vote on the same issue.

Finally, Mr. Speaker, I am informed that the full Committee on Appropriations, in its markup of the Subcommittee on Interior Appropriations bill, today agreed to delete this provision from that bill.

So, hopefully, the House will not have to deal with this same issue on the remaining appropriation bill.

Mr. Speaker, I would assume that the same provision would be deleted in conference from the bills already passed by this House.

Mr. Speaker, having said all that, I withdraw my reservation of objection.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 429, ADDITIONAL AUTHORIZATION FOR CONSTRUCTION OF BUFFALO BILL DAM AND RESERVOIR

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-117) on the resolution (H. Res. 178) providing for the consideration of the bill (H.R. 429) to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, which was referred to the House Calendar and ordered to be printed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1992

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 177 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2621.

□ 2000

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. 2621) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I recognize that this bill is one of the most popular bills to come to the Congress each year, and I appreciate the enthusiasm with which it is usually received.

Let me simply say before I begin that this bill very closely parallels, at least as closely as we could, given the fact that the bills are being considered concurrently, very closely parallels the authorization bill which was before us earlier in the day, and I especially want to thank all of the members of the subcommittee on both sides of the aisle who helped to put it together. I would also want to especially express my appreciation to the staff: Terry Peel, Bill Schuerch, Mark Murray, Lori Maes, Virginia Poole, and Mike Marek, and a number of other people who provide us a good deal of help in actually bringing this bill to the floor.

Mr. Chairman, this bill is $15.1 billion. It is $12.2 billion below the White House budget request largely because we have provided no funding for the International Monetary Fund which the President asked us to provide. Excluding the IMF, it is still $120 million below the President's request. It is $398 million below last year in discretionary spending. It is in compliance with the summit agreement, although we have not fully provided the money which the summiteers expected we would provide to foreign aid because, at the request of myself and the gentleman from Oklahoma [Mr. EDWARDS], the ranking Republican, the committee decided to devote roughly 1 percent of the bill to straight deficit reduction rather than to use it for foreign aid.

Mr. Chairman, this bill represents the second year in a 5-year plan to adjust foreign assistance spending to the end of the cold war. Military spending is down $159 billion below last year. It is $410 million below the President's request.

Economic assistance is up $839 million focused primarily on three items. We have an increase of $640 million directed at the needs of children, at the special needs of Africa with their incredible famine, and for refugees. On refugees, the committee has been determined to end what has been a multiyear fiction under which the costs for refugee programs have been routinely understated, thus requiring supplemental appropriations later in the year. This committee has provided a significant increase in refugee funding and in disaster funding because we think we have an obligation to bring real numbers to the floor, not numbers which are understated in a phony way. For population we provide a $50 million increase over last year. We provide $400 million for the European Development Bank.

On the Export-Import Bank we specifically prohibit any of those funds to be used for military sales. We do not want them to get in the way of commercial sales. We believe that the Export-Import Bank has retained strong

bipartisan support principally because we have kept it focused on commercial sales, and we have not gotten into the controversial area of military sales.

With respect to Salvador we have simply delayed until after Labor Day any decision on the action that would be taken on that item in order to give the administration more time to try to pursue a negotiated settlement in that area, and what happens after Labor Day will be determined by what we judge the conduct of all parties in Salvador to be between now and the end of that period.

With respect to the Middle East I would simply make a comment or two because of the amendment of the gentleman from Texas [Mr. BRYANT] which was considered by the House earlier today. That amendment attempted to scale back funding for Israel to reflect the cost of settlements on the West Bank. It was defeated by a vote of 44 to 378. I voted against that amendment, but I very much respect the gentleman who offered it. I think the amendment was offered in good conscience. My objection to that amendment was simply that it aimed at only one side of the Middle East controversy, and I think we have an obligation, if we are to bring the parties together, to insist on flexible conduct on both sides of that question. I made a commitment to the Secretary of State that we would try to give him as much room as possible to deal with the Middle East, and so, therefore, I have told the Secretary of State that I would try to the best of my ability to see to it that no boats were rocked with respect to Middle East spending until he had ample time to try to negotiate the participation of all of the key parties in peace talks in the Middle East, and I think we have an obligation to do that. I think that situation is so serious that we cannot afford to have either the Executive Branch or the Congress freelancing. We need to be walking down that path together if we are to be constructive in our efforts in that region.

Mr. Chairman, I think Members can vote for this bill recognizing full well that we are spending less money than last year. We are spending it in a way which is much more balanced, which has not been the case in the past. I should note that in 1981 approximately 40 percent of this bill went for development assistance, 36 percent went for military assistance. That changed considerably up until about 1986. Development and humanitarian assistance dropped by almost 25 percent as a percentage of this bill, and military aid increased substantially. We have now over the last 5 years returned this bill to a much better balance in my view with 43 percent of the bill now being devoted to development and assistance and only 31 percent devoted to military assistance.

Mr. Chairman, I think that we reflect realities, and I would also point out that I think this bill, as stringent as it is, is a good investment for the taxpayer because there are a number of items in this bill which really represent efforts to deal with international problems before they get out of hand, before they require much greater expenditures, before they require the expenditures, not only of dollars, but of military equipment and, indeed, of lives.

It seems to me that the bill is very much in the interest of the United States, and I appreciate the bipartisan cooperation of the committee, and I will withhold other remarks until later in the discussion.

□ 2010

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have often said that one of the reasons the chairman of this committee and I work so well together is that we both basically oppose most foreign aid. Since I became the ranking member of the subcommittee, the House has cut more than $6 billion from administration requests in foreign aid. I am pleased to say that the subcommittee has once again succeeded in reducing overall foreign aid spending.

This year's bill totals $15.3 billion. That is $121 million below the administration's request, and including supplementals, it is $398 million below last year. Let me repeat, it is nearly $400 million less than last year. As the chairman noted, we have also denied the administration's separate request of 12 billion for the International Monetary Fund.

In subcommittee, we included a new account, which I consider one of the most important in the entire bill. This account dedicates $135 million to reducing the Federal budget deficit. Not reducing the debt of other countries, but reducing the debt of the American taxpayer. I've been on the Appropriations Committee for 10 years and this is the first time I know of that any approprition bill has contained a specific account dedicated to deficit reduction. I hope other spending bills in the future might contain a similar provision.

The bill makes several key policy statements as well. Our committee report contains language which says we are not prepared to provide aid to the Soviet Union until it has changed substantially—free elections, the right to secede, privatization of the economy. Several of us had lunch with Boris Yeltsin today. I admire his efforts to reform the Russian Republic and insisting on these conditions before any aid goes to the Soviet Union is the only way to help him bring about real change in the Soviet Union.

The bill contains no language conditioning aid to El Salvador. Every Member of this House should want lasting peace in Salvador and right now, the best way to help accomplish that goal is to remain silently supportive so that there is no breakdown in the peace talks.

I support the President's Enterprise for the Americas Initiative, which is fully funded in this bill. The administration also requested more than $300 million to reduce the debt owed to us by Latin American nations. But this bill contains only $65 million for debt reduction. I do not support any writing off of debt owed to the American taxpayers by foreign governments, and am pleased that the committee at least reduced the request by $235 million. I voted against this bill last year because it contained debt forgiveness for Egypt. I will not support writing off the debt owed to us by foreign nations. It is not only bad politics, but it is also bad policy. I recognize debt is a serious problem for developing nations but it would be better to help these nations reschedule or refinance their debt, and insist that they ultimately pay it.

The bill contains $415 million for the democracies of Eastern Europe and for the Baltic nations which are making steady progress in establishing democratic institutions and market economies. This funding is essential for those nations which are embarking upon the road to democracy, but it is not designed to meet the opportunities which may arise in the next year. We hope still more nations in Africa, Europe, and Latin America will move toward more democratic forms of government in the upcoming year, and each will need our help to succeed. I intend to offer an amendment which would increase the President's authority to shift money within this bill to help nations move toward democracy.

The bill contains a $20 million earmark for UNFPA for population control activities. The President has made it clear that he will veto the bill if the UNFPA money is kept in it. He vetoed the foreign operations bill 2 years ago because it contained a similar provision and I am certain he will do it again this year.

The bill also places unfortunate and ill-advised caps on aid to some of our most important gulf war allies. I hope that provision will ultimately be dropped.

Mr. Chairman, this bill still contains a number of provisions which remain unacceptable to me. However, this is not the final step for this bill. I will support this bill tonight to move the process forward and I intend to work hard in conference to make this bill more acceptable to me and to the administration. If we are not successful, I will oppose the final version of this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I appreciate the chairman's recognition. During the Foreign Operations Subcommittee consideration of the fiscal year 1992 bill, I was pleased to join my colleagues on the subcommittee in supporting report language which recognizes the valuable contributions being made by the non-profit graduate business school in Central America called the Instituto Centroamericano de Administracion de Empresas [INCAE]. With the chairman's support, we also included language urging AID to reschedule this year's debt payment currently owed to the United States by INCAE, to work with the institution to come up with a plan to explore methods of relieving this debt, and to report that plan back to the committee. For the record, Mr. Chairman, I would like to restate my strong support for this assistance to INCAE. In addition, as I read the language presented in the committee report, it is my understanding that we are requesting AID to report back to the committee in sufficient time so that we may take action on proposals to address INCAE's debt to the United States during drafting of the fiscal year 1993 bill. Does the Chairman concur with my understanding concerning this aspect of the report language?

Mr. OBEY. The distinguished gentleman from Florida is correct in his understanding.

Mr. SMITH of Florida. I thank the chairman for his clarification and continued support for this assistance to INCAE.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Wisconsin, and the ranking member, my close friend, Mr. EDWARDS of Oklahoma, for bringing this bill to the floor in such a timely manner. This bill deals with many very sensitive and contentious issues and requires quite a lot of compromise, hard work, and dedication to move it along.

The foreign operations bill appropriates funding for a number of programs that reflect what we are all about as a country, including food assistance to countries unable to feed their people, health programs to eradicate many treatable diseases, including childhood diseases, international disaster assistance, development aid to the poorest of the poor countries, some of which have per capita incomes of less than $200, and carefully targeted assistance to Eastern European nations to help them achieve the freedom they are working for.

These types of programs and the foreign operations bill only take up about 0.6 percent of our Federal budget, but they bring immeasurable returns to the United States all around the world.

The foreign operations bill also contains a number of programs that are directly beneficial to U.S. business and workers. The Export-Import Bank, which directly facilitates the sale of U.S. products and services overseas, is an example of this type of program. The multilateral development banks also indirectly benefit U.S. businesses by strengthening the economies of our trading partners in the developing world and enabling them to engage in world markets.

In addition to these programs, I want to highlight some other parts of this bill which address urgent problems which I think are important.

Between 1800 and 1930, the world population doubled from 1 billion to 2 billion people. In the next 60 years, the world added another 3 billion people. At the current rate of growth the next billion will take only 11 years. At this pace, the present world population of 5.3 billion will double by 2025. Many, if not most, of the environmental problems facing us today can be directly attributable to pressures caused by population. Deforestation, desertification, water shortages, loss of biodiversity, global warming, and fouling of the ocean and ground water can all be attributed to the unprecedented expansion of the human race.

I think this is the most pressing problem facing the world and I am very pleased that this bill increased the AID voluntary family planning account to $300 million this year. I thank the chairman for his dedication to this important priority.

While I am very appreciative that population was made a priority in this year's bill, I must mention that we still have a long way to go to meet the urgent need for family planning services in the developing world. At the Amsterdam Conference on world population issues last year, it became apparent that to stem the tide of population growth, developed nations would have to increase their funding of voluntary family planning activities substantially. We currently spend approximately 2 percent of our foreign aid on such activities. In order to ensure manageable population growth we should increase this amount to 4 percent in the next few years and I will work to make that figure a reality.

I am very pleased also that the committee has included funding for UNFPA—albeit a small amount—to deliver contraceptive products to developing countries. AID, the U.S. bilateral assistance agency, does a good job in the countries where it operates, but it operates in only about 40 countries. UNFPA operates in almost 140, and I strongly support the inclusion of funding for UNFPA this year.

I am also very pleased that the committee again earmarked $15 million this year to help solve the standoff between the Greek-Cypriots and Turkish-Cypriots that has divided the island of Cyprus for the past 17 years. For the first time this year, use of these funds is limited to bicommunal projects that bring the people from both communities on Cyprus together and to academic scholarships for people of both communities.

I strongly support the use of these funds for bicommunal projects, but I am concerned that under the new way of distributing the funds intransigence by Turkish-Cypriots will result in no funds being used for any projects whatsoever. The way the system has worked, if the funds were not used bicommunally, they would be available for nonbicommunal projects divided according to population and spent by the United Nations. This acted as an incentive to encourage both sides to be forthcoming in negotiating bicommunal projects. I am concerned that Turkish-Cypriots will now have an incentive to hold up implementation of bicommunal projects with the knowledge that Greek-Cypriots will not benefit from the funds as they have in the past.

If this provision remains in the final legislation, we will see what the outcome is. If we find that negotiations on bicommunal projects have come to a stalemate, I will strongly encourage the Foreign Operations Subcommittee, the Foreign Affairs Committee, and the State Department to determine which side is dragging its feet and figure out ways to create incentives to ensure that these funds are used to achieve true bicommunal interaction between the two communities on the island in the future.

The greatest disappointment that I have with this bill is the treatment of one of the President's highest priorities, the Enterprise for the America's Initiative. The Enterprise for the Americas Initiative is a comprehensive blueprint for debt relief, economic reform, investment, development, and environmental improvement. While I applaud the chairman for fully funding the multilateral investment fund, I am extremely concerned that the debt relief portion of the initiative has been gutted. The President requested $285 million in debt relief, the House authorized $243, but the foreign operations bill that is on the floor today only authorizes $65 million.

Now, $65 million is a substantial amount, but taken in the context of relieving debt in Latin America it certainly does very, very little and is a far cry from enough to implement a comprehensive debt relief plan, which is what Enterprise for the Americas is designed to be. I hope that an accommodation can be worked out somewhere later in the process that will bring Enterprise for the Americas Initiative funding back up to administration lev-

els and I look forward to working with the chairman on this issue.

I also want to thank the committee for including $40 million for the International Finance Corporation capital increase. This was really just a placeholder until Treasury and the World Bank could come to an agreement on the Bank's role in private sector lending. I am pleased to report that they have come to an agreement and Treasury has now requested the full $50 million that it is generally agreed is needed to permit the IFC to meet the private sector lending needs of the new democracies in Eastern Europe while continuing to serve the developing countries of Africa, Asia, and Latin America. I think it is clear that in light of the agreement, $50 million is the appropriate funding level and I look forward to working on this issue in conference.

I also thank the committee for including language that expresses support for the first direct election of members of the Legislative Council in Hong Kong, and which urges private organizations and governments to send teams of observers to the elections. These observers are designed to set a precedent of international observation at Hong Kong elections that will carry on after China takes control of Hong Kong in 1997.

As a final note, I would like to thank the committee staff: Terry Peel, Bill Schuerch, Mark Murray, Lori Maes, and Virginia Poole, a very capable detailee from AID, for their long hours and late nights which made it possible to bring this bill to the floor in such a timely manner. I also want to recognize the associate committee staff including, among others, Chris Walker, Pam Norick, Dean Sackett, Mike Marek, Gary Bombardier, Patricia Knight, Adele Liskov, and Tom Pines who have done such a fine job for their respective members.

I urge Members to support this bill.

□ 2020

Mr. OBEY. Mr. Chairman, I yield 2 minutes to my very good friend, the gentleman from Florida [Mr. LEHMAN], who is also chairman of the Transportation Subcommittee and one of the key members of the Subcommittee on Foreign Operations.

Mr. LEHMAN of Florida. Mr. Chairman, I thank my friend, the gentleman from Wisconsin, chairman of the Appropriations Subcommittee for Foreign Operations, for yielding time to me.

Mr. Chairman, I rise tonight to speak in favor of the 1992 foreign aid appropriations bill. It addresses the needs of refugees, provides disaster relief to people in crisis, promotes world wide peacekeeing activities, supports voluntary family planning, and even builds in deficit reduction. As Mr. NATCHER would say, this is a good bill. I congratulate DAVE OBEY for his skillful and strong leadership in crafting an excellent bill.

In fact, when the sorry history of the refugee situation in the last half of this century is written, no one should be given more credit to alleviating the suffering of refugees than the gentleman from Wisconsin for what he is providing in this legislation. He is a fighter for the survival of the refugees.

Let me focus on three of the most important items in this bill, refugee assistance, humanitarian assistance for children, and population assistance.

There are unprecedented numbers of refugees worldwide, as a result of natural disasters and war. In recognition of this sad fact, this bill provides an increase in humanitarian assistance to refugees in 1992. The bill appropriates $80 million to help provide transportation for thousands of Soviet Jews to Israel each month, and will help support the 14,000 Ethiopian refugees that have been airlifted to that country.

Children who have been displaced because of war, natural disaster, or economic circumstances represent one of the most overlooked areas of development. This bill increases funding for displaced children from $5 million to $8 million, with special emphasis on assisting displaced children in Romania and Cambodia, and the world's estimated 100 million street children. While the world is waiting to see the results of economic and military programs, programs funded in this bill for children will already be saving lives.

A vote for family planning is not largely symbolic. If we make voluntary family planning universally available, population can be stabilized. This is an essential first step in combating deforestation and preservation of endangered species and other environmental problems caused by overpopulation. The demand for contraceptives has grown substantially in countries where the AIDS epidemic is prevalent, and where contraceptives are not manufactured and foreign exchange to import them is limited. Condoms are essential to help prevent the spread of HIV and other sexually transmitted diseases. The $20 million earmarked for the U.N. Population Fund [UNFPA] is for the provision of contraceptive commodities only, and no part of these funds will go to China.

I urge my colleagues to vote for this bill. It encompasses the best the United States has to offer the world: Compassion, assistance, and an eye for the bottom line cost. Vote "yes" for the previous question.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. GREEN].

□ 2030

Mr. GREEN of New York. Mr. Chairman, I rise in strong support of H.R. 2621, the foreign operations appropriations bill for fiscal year 1992, and I should like to take a minute to highlight a few of the bill's important provisions.

According to the Department of State, the size of the worldwide refugee problem nearly doubled during the 1980's, growing from 8 million in 1980 to over 15 million by the end of that decade. The beginning of the 1990's has only seen this crisis deepen, as appalling human rights developments in Iraq, Somalia, Tibet, and Cambodia have caused the global refugee population to swell. Armed conflicts in Afghanistan, El Salvador, Mozambique, the Sudan, and elsewhere continue to generate the majority of the world's refugees. H.R. 2621 addresses this growing problem by greatly enhancing the priority our Nation assigns to refugee assistance worldwide, appropriating $630 million for migration and refugee assistance.

Within the refugees assistance account, the bill earmarks $80 million for the resettlement of Soviet, Eastern Europe, and other refugees in Israel. This is a cause to which just about every Member of this House subscribed during the past two decades. We worked hard to see that this happy day would come when Soviet Jews would finally be able to leave the Soviet Union.

For that reason, I am delighted that this bill, under the leadership of our chairman, the gentleman from Wisconsin [Mr. OBEY], makes enhanced provision for the resettlement of those refugees. It is really a case of honoring a commitment that all of us, including the gentleman from Wisconsin [Mr. OBEY], our chairman, have made, and I think the bill for that reason alone deserves support.

I am also pleased that the bill contains my provision requiring the Department of State to redouble its efforts to urge the Arab League to cease the economic boycott of Israel. It is particularly appalling that two of our primary coalition partners in the Persian Gulf war, Kuwait and Saudi Arabia, have given no indication of their willingness to end or suspend this harmful boycott. In fact, those two nations have been among the boycott's strictest enforcers.

Mr. Chairman, I think it is particularly sad that they are doing that, because we have to understand that the boycott does not hurt just Israel. It hurts the United States and U.S. companies that want to do business in the Mideast, and so I think it is important that we take this step to try to encourage the administration to take the necessary steps to end the boycott.

H.R. 2621 also rightly places the needs of the world's children at the top of our Nation's development agenda, and recognizes the important goals outlined at the World Summit for Children last year. The bill appropriates $85 million for the U.N. Children's Fund [UNICEF], and provides increased assistance for displaced children, health

and child survival, AIDS, and basic education.

In UNICEF's publication, "The State of the World's Children for 1991," emphasis is placed on the link between child survival and family planning. Babies born in quick succession, to a mother whose body has not yet recovered from a previous birth, are the least likely to survive. Recognizing this important link, H.R. 2621 provides $300 million for voluntary family planning. Within that, the committee has earmarked $20 million for the U.N. Population Fund [UNFPA]. I should emphasize that that earmarking is only for the provision of contraceptive commodities in developing countries. Plainly it is not for abortion, only for contraceptive commodities.

While the U.N. Family Planning Agency has been denied U.S. funds since 1985, the House wisely approved funding for UNFPA by a vote of 234 to 188 just last week. I sincerely hope the administration will reconsider its opposition to that funding. I have sought to find common ground with the Bush administration, going back to last year when Senator HATFIELD, who is someone who has been strongly on the right-to-life side, and I, who have been strongly on the prochoice side, sought jointly to meet with representatives of the administration to discuss this issue to try to work out some common ground while we ultimately got a meeting with White House staffers, it was obvious that they were not authorized to seek common ground with us. I once again urge the administration to sit down with those of us in the Congress who are concerned with family planning to see if we cannot come to some agreement on this important issue.

It is plain that the United States is not reaching nations like Ethiopia, Romania, Afghanistan, and Poland, to name just a few, where family planning help is desperately needed, but where the United States does not have a bilateral aid program that can provide that family planning. In the absence of that family planning, we are simply encouraging abortions. I cannot think of any case more graphic than the Romanian case to show how the restrictions that this Congress and this administration have in the past imposed on our ability to contribute to the United Nations family planning operation are not preventing abortions but, in fact, are encouraging abortions by the hundreds of thousands. It is a sad situation, and I hope that we shall deal with it.

Mr. Chairman, I do want to take a moment to address the issue of military assistance to the Government of El Salvador. As you know, there has been an agreement in this House that H.R. 2621 should be silent on the issue, as is the foreign aid authorization bill. That is in recognition of the fact that, under United Nations guidance, serious discussions are presently underway between the Government of El Salvador and the FMLN to achieve a permanent settlement to that nation's terrible civil war. I support the bill in taking this approach, because I believe that the U.S. policy must continue to give the fullest possible support to the U.N. negotiations process. However, I take this opportunity to urge President Bush not to release the second half of military funds available to the Salvadoran Government from fiscal year 1991. I concur with Chairman OBEY's position that release of those funds will take pressure off the Government with respect to negotiations, rather than moving the negotiations forward.

In short, I strongly urge all of my colleagues to support H.R. 2621 and commend both the chairman, the gentleman from Wisconsin [Mr. OBEY], and the ranking minority member, the gentleman from Oklahoma [Mr. EDWARDS], for their leadership in fashioning this commendable bill.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MCHUGH], who, even though he is not the vice chairman technically, serves in that capacity on a day-to-day basis and is most helpful to the committee in its work.

Mr. MCHUGH. Mr. Chairmam, I rise in support of the bill. It is a responsible one and fully consistent with the budget agreement Congress enacted last year.

We know that foreign aid is the least popular and possibly least well understood part of our budget. Many Americans think of it as an international welfare program that has little to do with their own interests or those of our Nation.

Most people also believe that foreign aid consumes a large portion of our Federal resources. In fact, it represents roughly one and a half percent of our budget. But if effectively targeted and administered, foreign aid can be an indispensible tool for advancing the interests of the United States abroad.

Today, the international community is attempting to cope with some every profound developments. In central and Eastern Europe, Germany is reunified, the Warsaw Pact has disbanded, and fragile new governments are struggling to build democratic societies and restructure their economies. Communism is surely dead, but there is no assurance that the transition to economic and political pluralism will be smooth and stabilizing.

In Africa we have witnessed the collapse of dictatorships in Ethiopia and Somalia, and the end of a tragic civil war in Angola. Aspirations for more open and pluralistic political systems—and for governments that respect basic human rights—struggle to overcome tribal antagonisms in other areas of the continent. The outcome remains uncertain.

In our hemisphere, Haiti finally has a democratically elected government. Progress toward a negotiated settlement in El Salvador has been made, but the contending parties have now reached the most difficult issues and no one can predict whether peace will finally be delivered to a people that has suffered so much. In the meantime, newly elected governments in Chile, Nicaragua and elsewhere face the daunting task of making democracy work.

In the Middle East, Saddam Hussein is no longer an immediate threat to his neighbors or to global security. In the aftermath of the war, however, many questions remain.

Will the people of Kurdistan be able to return to their homes with any long-term guarantee of security? Will governments in Kuwait and the other gulf states respond affirmatively to the aspirations of their people for political systems that are more open and responsive? Are Israelis and Arabs, including the Palestinians, prepared to finally negotiate directly to resolve issues that have long divided them, or will everyone in that volatile region be content to reload their guns and await the next outbreak of violence?

For all of the remarkable changes that continue to unfold, Mr. Chairman, we should also recognize that some things have changed very little. In particular, hundreds of millions of people in the developing nations of the world continue to live in abject proverty—without adequate access to the food, shelter, credit, education and health services needed to live in dignity and hope.

Life expectancy in Africa is just 52 years on average; in Japan, it is almost 79. In South Asia, 58 percent of all adults are illiterate; less than 1 percent of adults are illiterate in Sweden. The plight of women and children in the developing world is especially troubling.

More than 180 million Third World children suffer from serious malnutrition; 110 millon lack access to basic education, something Americans take for granted. In Africa south of the Sahara, of every 1,000 children born, 179 will die before the age of 5; only 18 of every 1,000 children born in the industrialized nations will die before age 5.

These stark contrasts attest to the continuing human deprivation in many parts of the world today. For more than 40 years, much of our foreign aid has been shaped by the global competition between the United States and the Soviet Union. That competition has now waned, but the problems of suffering people remain. They continue to require our urgent attention.

Mr. Chairman, our foreign aid program cannot remake the world. We have neither the power nor the resources to do so. Moreover, aid alone would not solve these problems. The initiative for their resolution must come primarily from the people themselves. But those people look to the de-

veloped countries, especially the United States, for leadership and a helping hand.

If our foreign aid programs are to be relevant and advance legitimate American interests, they must effectively address the challenges the world faces today. Even if the pace of change were not so dramatic, there would be a need to reshape these programs. The rapidity of change only lends greater urgency to the task.

I believe that current realities require that we put less emphasis on military aid and more on promoting equitable economic growth. If new democracies are going to survive and prosper, if stability is to be assured among people who aspire to a better life, success will have more to do with economic development, moderate population growth and environmental protection, than it will with military arms and capabilities.

I also believe that most of those challenges can best be met through multilateral rather than bilateral approaches. Most problems are not limited to one country; they are most often regional and sometimes global. Effective action therefore requires a regional or global response. There needs to be greater support for multinational efforts where there is genuine cooperation and cost sharing.

This approach is exemplified by two new initiatives funded in this bill. One is the global environmental facility sponsored by the World Bank, and the second is the special program for Africa initiated by the International Fund for Agricultural Development. They are examples of the direction in which foreign aid programs should be moving.

The chairman of our subcommittee, Mr. OBEY, has already described the provisions in this bill in some detail. However, I would like to emphasize that the bill cuts foreign aid more than $1.2 billion from current levels and significantly reorders the priorities of the program. Among the more important adjustments the bill would make are the following:

First, the bill recognizes that we have a special obligation to children, and would accord them a much higher priority in our foreign assistance programs. For the first time, the bill earmarks a total funding level for child survival programs from all of the programs administered by the Agency for International Development [AID]. The amount recommended is $275 million, up from about $202 million in 1991. In addition, we have provided $85 million for the U.N. Children's Fund [UNICEF], $10 million more than the current level and $30 million more than the President requested.

As a result of these initiatives, funding for programs that have already been proven effective in saving children will increase 30 percent above the 1991 level, and more than 40 percent above the President's request.

Finally, for the first time the bill requires that a minimum of $135 million be spent on basic education programs; increases funding for AIDS prevention and control activities by 25 percent; and provides increases for a variety of other programs that benefit children, such as the Vitamin A Deficiency Program.

Second, the bill makes a realistic commitment to deal with the problems of refugees and disaster victims. In past years the refugee and disaster accounts have been chronically underfunded, and the administration has had to borrow from other accounts or seek supplemental appropriations to meet essential needs. This promotes uncertainty and inefficiency, and therefore we have recommended $70 million for disaster assistance, up from $40 million last year, and $680 million for the refugee accounts, up from $520.6 million in the 1991 bill. Within the amount recommended for refugee assistance, we have also increased funding for overseas refugee programs from the current level of $233.4 to $315 million.

The problem of chronic underfunding has been dramatized this year by events in Iraq, Bangladesh and Africa. It is time that we deal with these accounts in a more sensible fashion, and I believe the bill does so.

Third, the bill provides for a substantial increase in funding for Africa, the most desperately poor region of the world. By virtually every standard of economic and human development, Sub-Saharan Africa is the most underdeveloped region of the world. Congress recognized that in the past by establishing the Development Fund for Africa, which is administered by AID. This year we are strengthening that initiative by increasing development assistance for Africa from $800 million to $1 billion. There is no question that the needs there are compelling, and this action reflects the focus Africa is now receiving from other developed countries and the international organizations.

Mr. Chairman, let me stress again that the important priorities I have cited—children, refugees, disaster victims, and sub-Saharan Africa—are all being funded within the budget ceiling we have to work with. We have also recommended some reductions in the military aid accounts. The overall program level for military assistance recommended in this bill is down 3.4 percent from the 1991 level, and it is 8.4-percent less than the President's 1992 budget request.

As Chairman OBEY has indicated, the bill actually appropriates $135 million as a voluntary contribution to reduce the Federal deficit. This will not have a major effect in cutting the deficit, but it does reflect the Committee's effort to make some savings in foreign aid while at the same time meeting our most important priorities.

I would like to comment briefly on two other matters, Mr. Chairman.

At the request of the House leadership, we have deferred action on future aid for El Salvador until September. Given the delicate stage of negotiations between the government and the FMLN, I support that decision. Our goal should be to pressure both sides to settle the conflict now, and responsible parties have recommended that we do nothing at this critical moment which might appear to give an advantage to either side. When we revisit this important issue in September, Mr. Chairman, we must assess the conduct of both sides very carefully. We want an end to this war and genuine reforms in El Salvador. If either side fails to negotiate in good faith, or acts to scuttle the talks, it should have a profound effect on our decision in the fall.

Finally, this bill prohibits the Export-Import Bank from financing arms sales as the President proposed. It also incorporates language similar to that in the authorization bill imposing a temporary moratorium on arms shipments to the Middle East. Many of us in Congress believe that the administration should make a serious effort to negotiate a multilateral agreement limiting the transfer of both conventional and nonconventional weapons to that volatile region. Frankly, we have been disappointed with the President's efforts thus far. Much stronger leadership is necessary on this issue.

In closing, Mr. Chairman, I would again urge our colleagues to support this bill. While it is not perfect, it does respond in important ways to our changing world and it will advance legitimate American interests.

□ 2040

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, every year since 1985, one population control organization, and only one, has been found to be in violation of the Kemp-Kasten anticoercion law.

Each year since 1985, the President has determined that one organization, the U.N. Population Fund, supports and comanages a coercive population control program, a program that uses forced abortion and involuntary sterilization to achieve its objective.

While H.R. 2621 continues the Kemp-Kasten language and adds a new twist linking funds for UNFPA with the continuance of MFN, it carves out a singular exception to the application of Kemp-Kasten.

Who gets the exception? You guessed it, the U.N. Population Fund, the only organization found to violate the Kemp-Kasten Anticoercion law gets exempted from that provision in the bill before Members, and receives an earmark for $20 million.

The UNFPA earmark, I suggest, is inconsistent with any authentic notion

of voluntary family planning and makes a mockery of efforts to eradicate coercion by governments.

As the leading international apologists for China's coercive program, the UNFPA has engaged in a shameful cover up of the regime's atrocities against women, children, and the sanctity of the family. When the United Nations gave China an award to 1983, the regime's family planning minister proudly proclaimed that the award had put "the imprimatur of the world body" on China's family planning efforts.

On other occasions, high ranking Chinese officials pointed to the defense of their program by the UNFPA and the International Planned Parenthood Federation to deflect criticism by this Congress and the State Department. Dr. John Aird, the former Senior Research Specialist on China at the United States Census Bureau, compiled volumes of evidence on China's systematic use of coercive in population control programs. In his book published his year "Slaughter of the Innocents: Coercive Birth Control in China," Dr. Aird writes:

The Chinese program remains highly coercive, not because of local deviations from central policies, but as a direct, inevitable and intentional consequence of those policies.

Foreign organizations and individuals that indiscriminately laud the Chinese program or provide financial or technical assistance for any aspect of it place themselves in the position of supporting the program as a whole, including its violations of human rights.

Mr. Chairman, I can well appreciate Members' concern about family planning, but Members should be aware that the Kemp-Kasten language has not reduced U.S. support for international family planning efforts by 1 penny since 1985. Money denied UNFPA due to its cozy relationship with China's dictators has been reprogrammed to other family planning organizations.

Mr. Chairman, make no mistake about it, a reversal of the Kemp-Kasten policy providing an exemption for UNFPA sends a very bad signal to the Chinese dictators, that coercion matters very little to the United States. Let me remind Members that in the June 4, 1991 letter to congressional leaders, the President made it absolutely clear that he would veto this legislation if the Kemp-Kasten language was weakened in any way or repealed. I fully expect, Mr. Chairman, that this bill which contains vital funding for a myriad of programs will pass tonight, but no one should misconstrue that vote. I know for a fact that several Members who will vote to sustain a Presidential veto have indicated to me they will vote tonight for the bill to speed it on its way.

The end game, it is hoped, will be a bill before Members that could be signed by the President and absent the exemption for UNFPA to the Kemp-Kasten language.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I urge my colleagues to support the foreign operations appropriations bill for fiscal year 1992.

H.R. 2621 addresses, by significantly reordering spending priorities, some of the most critical concerns many of us have concerning the funding of U.S. foreign aid. For starters, foreign military aid is reduced by $1.14 billion compared to fiscal year 1991 appropriations. At the same time, funding is increased for important humanitarian aid programs such as child survival activities, basic education in developing countries, refugee assistance, AID's Office of Foreign Disaster Assistance, and UNICEF.

While I have regularly offered amendments to cut appropriations bills, I offer no such amendment today and instead applaud this effort by the Appropriations Committee, especially the Foreign Operations Subcommittee. Many of the humanitarian aid and development priorities incorporated in this bill conform with an amendment offered by Hunger Committee Chairman TONY HALL to the foreign aid authorization bill considered earlier and are an outgrowth of the "Freedom From Want Act" supported by those of us who serve on the Hunger Committee.

These provisions demonstrate how we can utilize U.S. foreign aid effectively to address the many problems facing citizens of the developing world. It is tragic to note that 14 million children die every year in developing countries. Child survival activities such as vaccinations, breastfeeding promotion, and oral rehydration therapy can drastically reduce that figure. Basic education programs in the developing world can give children a chance to lead better, more productive lives. But these changes will not occur if countries continue to spend their scarce resources on arms.

We must seek a new balance between military and humanitarian aid, and realize that significant changes have occured in the world that must be taken into account by U.S. foreign policy. This spending bill accurately reflects the strategic changes occurring in many parts of the world and moves us toward a proper balance in our assistance programs. It deserves our support.

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I simply would like to respond to the comments of the previous speaker who referred to the President's threat to veto this bill because of its language which provides some assistance to the U.N. Population Program in the event that China obtains most-favored-nation status.

Let me simply say that I voted with the gentleman from New Jersey [Mr. SMITH] in the Committee on Appropriations against the language which was not contained in this bill. I also voted with him and the President on the amendments that were before Members on the floor on the authorization bill. We lost.

However, I frankly feel that the administration has to take some responsibility for that. Three weeks before our committee marked up the bill I called Governor Sununu and I told him that he needed to recognize that because of changes in personnel on our subcommittee, including changes on the Republican side of the aisle that the administration no longer had the votes on my subcommittee to retain the language that they wanted to retain on this issue. I urged him to sit down with the members of his own party on my subcommittee and to work out a compromise, which I told him I would buy, sight unseen.

□ 2050

No such call was made. No such effort was made by the White House to try to work out a compromise until 1 hour into the markup, at which point the phone call was made, obviously too late to have any real effect on anybody or anything.

So as a consequence, when the vote came three of us voted with the President; the gentleman from Oklahoma [Mr. EDWARDS], myself and the gentleman from Louisiana [Mr. LIVINGSTON]. We lost the amendment.

I feel obligated now to support the language in the committee bill because chairmen are supposed to be the instruments of the policy of the committee and the House, and not their own policy; but I just have to say that I would find it strange indeed were the President to veto this bill over this item.

The fact is that it is the administration which has linked their refusal to support funding for the U.N. Population Program to their unhappiness with the Population Control Program in China.

The administration specifically spelled out, in their letter to the U.N. Population Fund, that the reason they were declining to provide money is because of the actions of the Chinese Government with respect to abortion.

I happen to agree with the President that the program in China is coercive. I find the conformist pressures from the Chinese Government on this issue to be highly offensive, but I would simply suggest that there is one way which the President can prevent this funding from flowing; All he has to do is not to provide most favored nation status to China.

It seems to me strange for the White House on the one hand to say that we should provide funding to the U.N. program, the United Nations being a third

party and not directly responsible for the conduct of the Chinese Government, and yet at the same time to have the President say to the Congress, "I want you boys and girls to pass legislation providing Most Favored Nation status for China."

If we have an objection to China's coercive abortion policy, we ought to direct our anger directly at China. We ought to direct our efforts at persuasion to change conduct to China.

It seems to me, therefore, that it is rampantly inconsistent for the President on the one hand to say that we should deny funding to a third party because we are unhappy with the conduct of China, and yet to say that we ought to provide most favored nation status to China.

If this veto takes place on this issue, it will be because the President has met himself coming back. It will be because he has decided to provide most favored nation status to China and has been able to convince the Congress to do that.

I think personally that is unfortunate. I think China should not get most favored nation status under any circumstances. I hope we defeat it. If we do defeat it, that is the one sure way to prevent any funding from flowing to the U.N. program. If on the other hand most favored nation status goes forward for China, then it seems to me highly inconsistent to say that we ought to withhold funds to a third party.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I just wanted to say to the gentleman, as he knows, I agree with him completely in having both of us voted against the money for the UNFDA, and I agree with the gentleman that MFN for China is a very bad idea. I think most of the Members on this side of the aisle would agree.

But as I told the gentleman in the committee, I am not sure that I see the parallel, because there are other nations to whom we give MFN status, and that does not mean that we adopt and endorse any coercive abortion if they were to undertake it. So I think the gentleman is perhaps stretching a little bit too high those two together.

Mr. OBEY. Well, Mr. Chairman, let me simply say that the point I am trying to make is that if we are unhappy with China because of their abortion policy, we ought to direct our unhappiness at China, not the United Nations.

My point also is broader. I believe that we ought to take this debate back from the extremes on either side of the question. I think the American public has a right to expect that we are going to try to reach a reasonable compromise which can be supported by the vast majority of the American people, rather than having outside groups on both sides of the issue whipsaw the Congress for their own personal concerns, even though I do not question their right to have those concerns.

It just seems to me we have an obligation to try to bring the country to the center on this issue. The President is not going to do that by a veto. He did not do that by a White House refusal to try to work out a compromise with folks on the Republican's side of the aisle. I suggest, therefore, the language here is an attempt to try to force that compromise, which I believe is the responsible and constructive thing to do.

Mr. WOLPE. Mr. Chairman, I rise in support of the foreign operation appropriation bill and want to address a specific element of this important legislation. I had intended to speak in opposition to amendments that I understood the gentleman from Oklahoma [Mr. EDWARDS], intended to offer that would have eliminated the requirement that military aid to Turkey and Greece be made on the basis of traditional 10-to-7 ratio. I am pleased to know that the gentleman has decided to withold his amendments, and that the 10-to-7 ratio requirement in the foreign assistance authorization legislation will be maintained.

I want to take this opportunity to express my strong support for the $15 million in economic assistance for Cyprus that has been authorized in the foreign assistance legislation. The earmarking of this assistance sends a strong signal to the two communities on Cyprus that the Congress continues to be strongly committed to resolving the Cyprus conflict.

The victory of the rule of law in the Persian Gulf has given the the people of Cyprus new hope that the tragic division of their country will soon come to an end. From the outset of the Persian Gulf conflict, Cyprus supported the efforts of the allied coalition. The Congress should now insist that the same rule of law that was asserted so decisively in response to Iraq's aggression against Kuwait be extended to Cyprus.

Mr. Chairman, President Bush speaks of a new world order. If indeed this means dedication to international law and respect for national sovereignty, then let Cyprus be the first test of the New World Order. There are operative U.N. resolutions which pertain to the resolution of the conflict on Cyprus which have not been enforced. Moreover, Turkey continues to ignore the will of the international community by maintaining its occupation of Cyprus. The U.N. resolutions with will weaken the United Nations, and destroy the opportunity for a new world order.

Mr. Chairman, it is my hope that the United States will redouble its diplomatic effort to secure a long overdue resolution of the Cyprus conflict.

Mrs. MORELLA. Mr. Chairman I urge my colleagues to support the increased funding provided for international voluntary family planning assistance, including $20 million for the U.N. population fund [UNFPA]. The funding for UNFPA is to be used specifically for contraceptive supplies and the distribution of these supplies.

Requests from developing countries to the U.N. population fund substantially exceed the funds available to UNFPA. Some examples of projects that UNFPA is not certain it will be able to fund include: $7 million for the establishment of a condom manufacturing plant in Bangladesh; $800,000 to avoid disruption in the supply of contraceptives in Rwanda; $300,000 required for contraceptive supplies in Mauritius; $2.35 million in emergency assistance requested by Mexico in early 1990 for contraceptive supplies; UNFPA could provide no more than $400,000 because the funds were simply not available; and $3.5 million for the procurement of contraceptives for Tunisia's 5-year development plan; funds are not expected to be available from UNFPA's current resources.

The $20 million requested in the bill will respond to some of the growing demand in the developing world for family planning. It will not meet all of the needs, by any stretch of the imagination. But it will provide birth control supplies to people who want and need them.

Demographers tell us that the population of the world will stabilize within the framework of three possible scenarios. The low projection is 8.5 billion, the medium is about 11 billion, and the highest projection is anywhere from 14 to 20 billion.

To achieve the medium variant, 11 billion, by the year 2000, we will need annually: 44 billion condoms, 8.76 billion cycles of oral contraceptives, 633 million doses of injectable contraceptives, and 310 million intrauterine devices.

This appropriations bill provides a modest $20 million to the U.N. population fund exclusively for contraceptive supplies and the distribution of these supplies.

A vote for this bill is a vote to help ensure that world population levels off at the lowest possible number commensurate with a rational and voluntary approach to reducing explosive world population growth.

Mr. HALL of Ohio. Mr. Chairman, I rise in strong support of H.R. 2621, a bill making appropriations for foreign operations, export financing, and related programs for fiscal year 1992. I have always appreciated the work of the chairman of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Appropriations Committee, Mr. OBEY. But I will state that this year's bill goes further toward meeting the needs of the hungry, the poor, the sick, and the refugees of this world than ever before. I would also like to congratulate the gentleman from New York, a member of the subcommittee, Mr. MCHUGH, for the crucial role he has played in supporting children and other vulnerable people.

Many of the provisions in H.R. 2621 are similar to those found in H.R. 2258, the Freedom from Want Act, omnibus antihunger legislation which I introduced with my colleague BILL EMERSON earlier this year.

The bill before us sets a minimum level of funding for child survival activities of $275 million. It also sets a minimum of $135 million for basic education. This bill provides $630 million for the migration and refugee assistance account, 30-percent above the administration request. The bill set a minimum level of support of $315 million for refugee programs overseas.

This year, unfortunately, has seen a dramatic increase in the number of refugees globally. From the gulf to the Horn of Africa, mil-

lions of people have been forced to flee their homes. This is no time to decrease support for these innocent civilians. H.R. 2621 offers the generosity of the American people to those who need it most.

The bill increases funding for AID's Office of Foreign Disaster Assistance [OFDA], which does so much good work during emergencies overseas, from $40 to $70 million. The director of this office, Mr. Andrew Natsios, is a great humanitarian. More money for OFDA, like increased funding for refugees, goes to help the most vulnerable people in our world.

H.R. 2621 expands the vitamin A earmark to include iodine and other micronutrients. This is an important step toward meeting one of the goals set by the Bellagio Declaration—the eradication of vitamin A and iodine deficiency by the end of this decade.

In another area, this bill makes a critically needed change in our policy toward the Philippines. Last year, I and more than 20 of my colleagues wrote to President Bush urging him to reallocate the Philippine bases-related aid package—more toward meeting the human development needs of the people of the Philippines. H.R. 2621 does exactly this by reallocating 50 percent of the administration request for military aid to development assistance. Reducing military aid to provide increases to meet human development needs moves our aid program in the right direction.

Finally, this bill accomplishes all these critically needed changes at a level below the administration request and within budget guidelines.

Last week, I said during debate on the foreign aid authorization bill that nothing we do in foreign assistance is more important than two simple programs, saving children's lives through simple child survival activities and educating children—after we help them survive—and promoting literacy so people can acquire the basic skills they need to function in society. This is foreign aid in the best tradition of the American people—a generous helping hand to those in need. I fully support these programs, and strongly urge you to support this bill.

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the foreign assistance appropriations, H.R. 2508. I have consistently opposed aid to foreign countries throughout my tenure in this body because I am a strong believer in helping the citizens of this country, those citizens who have elected me to this office. Our own domestic programs should take precedence over our financial contributions to foreign nations. We must focus our efforts, financial and otherwise, toward the homefront and take the time to correct the mounting problems.

Mr. Chairman, I must point out that I have been a strong supporter of the State of Israel in the past and I continue to support American efforts to that end. The United States has a unique and valuable relationship with the Jewish state that must continue to be nurtured. Had there been a separate vote on aid to Israel, I would wholeheartedly lend my support, but I am unable to do so in the context of this bill.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to H.R. 2621 which includes $20 million for the U.N. population fund. This provision creates an exemption from the Kemp-Kasten law for the very organization that has been found in violation. Since 1985, we in Congress have adopted the legislative policy which withholds international population control funds from organizations which support or participate in the management of a program of coercive abortion or involuntary sterilization. Yet again, Mr. Chairman, I find that my colleagues have chosen to ignore this policy and fund the U.N. population fund—the same organizations which has been and continues to be the leading international supporter of the brutal, coercive population control program found in China.

We must recognize that every dollar withdrawn from the UNFPA in the past has been reprogrammed to other family planning projects that do not utilize abortion as a method of family planning.

Mr. Chairman, I will not vote for this language, nor will the President of these free and caring United States sign legislation which weakens current law for abortion-related activities as this bill does with the inclusion of this provision. I urge my colleagues to look at this legislation responsibly and vote against H.R. 2621.

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2621, the Foreign Operations, Export Financing and Related Programs Appropriations Bill for fiscal year 1992. This is the eighth of the 13 annual appropriations bills to be considered by the House.

The bill provides $15.171 billion in discretionary budget authority and $13.476 billion in discretionary outlays. Because the committee has recommended an appropriation of $135 million for deficit reduction instead of for foreign aid, the bill technically is below the amount provided by the appropriation budget authority 602(b) subdivision for this subcommittee.

As chairman of the Budget Committee, I will continue 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 remaining bills.

[Fact Sheet]

H.R. 2621, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAM, FISCAL YEAR 1992 (H. REPT. 203-108)

The House Appropriations Committee ordered reported the Foreign Operations, Export Financing and Related Programs Appropriations Bill for Fiscal Year 1992 on Wednesday, June 12, 1991. This bill is scheduled for floor action on Wednesday, June 19, 1991, subject to a rule being adopted.

COMPARISON TO THE 602(b) SUBDIVISION

The bill, as reported, provides $15,171 million of discretionary budget authority. Because the Committee has recommended an appropriation of $135 million for deficit reduction instead of for foreign aid, the bill technically is below the amount provided by the Appropriation budget authority 602(b) subdivision for this subcommittee.

COMPARISON TO DISCRETIONARY SPENDING SUBDIVISION

[In million of dollars]

	Foreign operations, export financing and related programs appropriations bill		Appropriations committee 602(b) subdivision		Bill over (+)/under (−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	15,171	13,476	15,306	13,612	[1] −135	[1] −136
Mandatory	41	41	41	41	.....	.....
Total	15,212	13,517	15,347	13,653	[1] −135	[1] −136

[1] Because the Committee has appropriated $135,000,000 for deficit reduction instead of for foreign aid, the recommended amount in the bill is below the Committee's 602(b) allocation.

[2] Conforms to the Budget Resolution estimates.

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

The House Appropriations Committee ordered reported the Committee's subdivision of budget authority and outlays on May 22, 1991. 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, as adopted by the Congress on May 22, 1991.

The following are the major program highlights for the Foreign Operations, Export Financing and Related Programs Appropriations Bill for Fiscal Year 1992, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	New outlays
Multilateral assistance	2,123	303
Bilateral assistance	8,163	3,448
Sub-Saharan Africa	(1,000)	(85)
Migration and refugee assistance	(630)	(459)
Security assistance	4,236	1,967
Export promotion	691	53
International monetary fund	.....	.....

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

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

The CHAIRMAN. Pursuant to the rule, the bill is considered under the 5-minute rule by titles and each title is considered as read.

No amendments to the bill are in order except the amendments printed in House Report 102-115, or pursuant to the order of the House of earlier today. Said amendments shall be considered in the order and manner specified and shall not be subject to amendment, except as specified in House Report 102-115, or the order of the House of earlier today. Debate time for each amendment shall be equally divided and controlled by the proponent of the amendment and a member opposed thereto.

The Clerk will read.

The Clerk read as follows:

H.R. 2621

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 foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes, namely:

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For the purpose of reducing a portion of the public debt caused by public borrowings necessary to finance those programs, projects, or activities classified as "function 150" international affairs accounts pursuant to section 301(a)(4) of the Congressional Budget and Impoundment Control Act of 1974, $135,000,000, to pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt as if pursuant to title 31, United States Code, 3113 (a)(1)(A) and (d).

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $70,126,332, to remain available until expended.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environmental Facility, $50,000,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,267,418,063.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,060,000,000, for the United States contribution to the replenishment, to remain available until expended: *Provided*, That, before obligating funds made available under this heading, the President shall reduce from the amount obligated, the United States proportionate share of any loans approved by the Board of Directors for China for non-basic human needs since October 1, 1991 if China is denied most-favored-nation trading status by the United States Government: *Provided further*, That such funds withheld from obligation may be obligated only if the President certifies that it is in the national interest of the United States to do so: *Provided further*, That fifteen days prior to the obligation of such funds for the International Development Association, the President shall report his certification to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $40,330,972, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That funds appropriated under this heading are available subject to authorization: *Provided further*, That of the amount appropriated under this heading not more than $6,050,000 may be expended for the purchase of such stock in fiscal year 1992: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $57,313,367, and for the United States share of the increases in the resources of the Fund for Special Operations, $20,576,000, to remain available until expended: *Provided*, That the Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to use the voice and vote of the United States to oppose any assistance by the Bank to any recipient of assistance who refuses to agree in writing that in general any procurement of goods or services utilizing Bank funds shall be conducted in a manner that does not discriminate on the basis of nationality against any member country, firm or person interested in providing such goods or services.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,235,076,561.

INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $12,500,000, for the United States share of the capital stock of the Corporation, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS INVESTMENT FUND

For payment to the Enterprise for the Americas Investment Fund by the Secretary of the Treasury, for the United States contribution for the establishment of the Fund to be administered by the Inter-American Development Bank, $100,000,000 to remain available until expended: *Provided*, That funds appropriated under this heading are available subject to authorization: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $25,526,366: *Provided*, That, before obligating funds made available under this heading, the President shall reduce from the amount obligated, proportionately in paid-in capital and callable capital, the United States proportionate share of any loans approved by the Board of Directors for China for non-basic human needs since October 1, 1991, if China is denied most-favored-nation trading status by the United States Government: *Provided further*, That funds appropriated under this heading are available subject to authorization.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $158,793,050, to remain available until expended: *Provided*, That prior to obligating any of the funds appropriated under this heading for the Asian Development Fund, the Secretary of the Treasury shall submit a certification to the Committees on Appropriations that none of such funds will be made available for China.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in the capital stock in an amount not to exceed $186,972,187: *Provided*, That such funds are available subject to authorization.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $135,000,000, for the United States contribution to the sixth replenishment of the African Development Fund, to remain available until expended: *Provided*, That funds appropriated under this heading are available subject to authorization.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $8,987,307, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $134,809,612.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $70,020,600, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $163,381,400.

MULTILATERAL DEVELOPMENT BANKS—OTHER

For necessary expenses of the Department of the Treasury for reports calculating for loans, guarantees and insurance commitments for each credit program within the international affairs (Budget Function 150) account: (1) the probability of repayment by each country of existing United States international loans and the probability of default by each country on existing United States international guarantees, (2) subsidy estimates for each country and each such credit

program, and (3) risk assessments for each country within each such credit program for fiscal year 1993, $3,000,000: *Provided*, That funds appropriated under this heading shall be used only for contracts with not less than two private firms: *Provided further*, That the Secretaries of Treasury, State, Defense, and Agriculture and the Administrator of the Agency for International Development, and the Chairman of the Export-Import Bank and the President of the Overseas Private Investment Corporation shall provide the necessary information to support these analyses: *Provided further*, That these reports shall be simultaneously delivered to the Department of Treasury, and to the Committees on Appropriations and the Committees on Budget and the Congressional Budget Office not later than December 1, 1991: *Provided further*, That the Office of Management and Budget shall transmit, for each credit program within Budget Function 150, country by country estimates of expected international loan repayments and payments by the United States under international guaranty obligations included in the fiscal year 1993 budget request concurrent with submission of the President's budget for fiscal year 1993.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $300,612,000: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That the total amount of funds appropriated under this heading shall be made available only as follows: $120,700,000 for the United Nations Development Program; $85,000,000 for the United Nations Children's Fund, of which amount 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 525 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of the United Nations Children's Fund fourth quarter of operations for 1992; $3,000,000 for the United Nations Capital Development Fund; $1,000,000 for the United Nations Development Fund for Women; $250,000 for the United Nations International Research and Training Institute for the Advancement of Women; $300,000 for the Intergovernmental Panel on Climate Change; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,000,000 for the World Meteorological Organization Voluntary Cooperation Program; $800,000 for the World Meteorological Organization Special Fund for Climate Studies; $27,500,000 for the International Atomic Energy Agency; $20,000,000 for the United Nations Environment Program; $800,000 for the United Nations Educational and Training Program for Southern Africa; $500,000 for the United Nations Trust Fund for South Africa; $1,000,000 for the Convention on International Trade in Endangered Species; $450,000 for the World Heritage Fund; $100,000 for the United Nations Voluntary Fund for Victims of Torture; $400,000 for the United Nations Center on Human Settlements; $500,000 for the United Nations Industrial Development Organization Investment Promotion Service; $10,000,000 for the Organization of American States; $2,000,000 for the United Nations Afghanistan Trust Fund; $1,000,000 for the International Tropical Timber Organization; $1,000,000 for the World Food Program; $850,000 for the International Union for the Conservation of Nature; $600,000 for the United Nations Conference on Environment and Development; $500,000 for the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat; and $18,362,000 for the United States contributions to the replenishment of the International Fund for Agricultural Development: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That funds appropriated under this heading may be made available for the Tropical Forestry Action Plan (TFAP) only if the Secretary of State determines (and so reports to the Congress) that (1) the TFAP has been reorganized, with an international steering committee and secretariat independent of the Food and Agriculture Organization, and includes the participation of a broad range of experts in its administration, (2) the responsibilities of TFAP have been broadened to include areas outside the forestry sector, and (3) procedures exist to ensure increased participation in national TFAP plans by affected populations and interested individuals and organizations outside the forestry sector.

The CHAIRMAN. The Clerk will designate title II.

The text of title II is as follows:

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1992, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $1,076,635,000, of which amount—

(a) not less than $345,000,000 shall be made available for health and child survival activities, and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries: *Provided*, That not less than $65,000,000 shall be made available for activities relating to AIDS, of which not less than $30,000,000 shall be made available directly to the World Health Organization for its use in financing the Global Program on AIDS (including activities implemented by the Pan American Health Organization), and not less than $1,000,000 shall be made available to UNICEF for AIDS-related activities: *Provided further*, That not less than $280,000,000 shall be made available for health and child survival activities, of which $140,000,000 should be targeted for health activities and $140,000,000 should be targeted for child survival activities;

(b) not less than $5,000,000 shall be made available for new development projects of private entities and cooperatives for dairy development;

(c) not less than $20,000,000 shall be made available for the Vitamin A Deficiency Program and activities relating to iodine deficiency and other micro-nutrients, of which amount not less than $13,000,000 shall be made available for the Vitamin A Deficiency Program;

(d) not less than $225,000 shall be made available to support continued United States participation in the Associate Professional Officers Program of the international food agencies;

(e) not less than $5,000,000 shall be made available for activities relating to the control, prevention, and eradication of River Blindness;

(f) not less than $1,000,000 shall be made available for private voluntary organizations to be used to finance operations for blind children;

(g) not less than $7,500,000 shall be made available for cooperative projects among the United States, Israel, and developing countries, of which not less than $5,000,000 shall be made available for the Cooperative Development Program, and of which not less than $2,500,000 shall be made available for cooperative development research projects;

(h) not less than $5,000,000 shall be made available for the Central and Latin American Rural Electrification Support project;

(i) not less than $150,000 shall be made available, notwithstanding any other provision of law, for technical assistance and training programs for Soviet and Czechoslovakian statisticians and economists administered by the Bureau of Labor Statistics;

(j) up to $500,000 may be made available for child survival activities for Laos; and

(k) not less than $5,000,000 shall be for Soviet and East European research and training under the Department of State's title VIII program on Soviet and regional studies, notwithstanding any other provision of law.

CHILD SURVIVAL AND EDUCATION

Of the funds appropriated under the headings in this title under "Agency for International Development"—

(1) not less than a total of $275,000,000 shall be made available for programs in support of child survival activities; and

(2) not less than a total of $135,000,000 shall be made available for programs in support of basic education activities, including early childhood education, primary education, teacher training, and other necessary activities in support of early childhood and primary education, and literacy training for adults.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $300,000,000: *Provided*, That none of the funds made available in this Act nor any obligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act 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 previous proviso: *Provided further*, That nothing in this subsection shall be construed

to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act: *Provided further*, That funds appropriated under this heading for family planning purposes shall not be reduced by a proportion greater than other development assistance accounts in order to comply with requirements to provide assistance from funds appropriated to carry out chapter 1 of part I or to carry out part I of the Foreign Assistance Act of 1961: *Provided further*, That of the funds appropriated under this heading, not less than 65 per centum shall be made available for the Office of Population of the Agency for International Development: *Provided further*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of contraceptive commodities and related logistics, notwithstanding any other provision of law or policy: *Provided further*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 and section 534 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available for the United Nations Population Fund: *Provided further*, That the United Nations Population Fund shall be required to maintain the funds made available under this heading in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this heading shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than $57,000,000 for family planning programs in the People's Republic of China: *Provided further*, That none of the funds made available under this paragraph for the United Nations Population Fund may be obligated if China is denied most-favored-nation trading status by the United States Government: *Provided further*, That in addition to funds otherwise available for such purposes, of the funds appropriated under this heading up to $500,000 may be used for the administration and planning of family planning assistance programs in addition to operating expense funds otherwise allocated for such office.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $1,000,000,000, to remain available until September 30, 1993: *Provided*, That not less than $50,000,000 of the funds appropriated under this heading shall be made available to assist activities supported by the Southern Africa Development Coordination Conference: *Provided further*, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Coordination Conference shall be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961: *Provided further*, That up to $2,000,000 of the funds made available under this heading may be used for administrative and planning costs associated with programs under this heading in addition to operating expense funds otherwise allocated to the Agency's Bureau for Africa: *Provided further*, That $10,000,000 of the funds appropriated under this heading shall be transferred to "International Organizations and Programs" and shall be made available only for the International Fund for Agricultural Development's Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification.

ZAIRE

None of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided*, That this provision shall not be construed to prohibit nongovernmental organizations from working with appropriate ministries or departments of the Government of Zaire.

ASSISTANCE FOR DISPLACED CHILDREN

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $8,000,000 shall be made available for programs and activities to address the health, education, nutrition, and other special needs of displaced children who have been abandoned or orphaned as a result of poverty, or manmade or natural disaster, of which not less than $1,500,000 shall be made available for assistance for street children: *Provided*, That assistance under this heading shall be made available notwithstanding any other provision of law.

HUMANITARIAN ASSISTANCE FOR CAMBODIAN CHILDREN

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, to provide humanitarian assistance through international relief agencies and United States private and voluntary organizations to children within Cambodia: *Provided*, That none of the funds made available under this heading may be made available, directly or indirectly, for the Khmer Rouge.

ASSISTANCE FOR VICTIMS OF WAR

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, for medical and related assistance for civilians who have been injured as a result of civil strife and warfare, including assistance to address the needs of the blind, and the provision of prostheses and vocational rehabilitation and training.

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than $10,000,000 of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than $6,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: *Provided*, That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.

ASSISTANCE FOR BURMESE STUDENTS

Of the funds appropriated under the heading "Development Assistance Fund", not less than $1,000,000 shall be made available, notwithstanding any other provision of law, for assistance for Burmese students.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

HUMANITARIAN ASSISTANCE FOR ROMANIA

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (other than funds under the heading "Development Fund for Africa"), not less than $4,000,000 shall be made available, notwithstanding any provision of law which restricts assistance to foreign countries, for humanitarian assistance for Romania. Of this amount—

(1) not less than $1,500,000 shall be made available for activities related to acquired immune deficiency syndrome (AIDS), and other health and child survival activities particularly for the care and treatment of abandoned children, including the provision of improved facilities, food, medicine, and training of personnel;

(2) not less than $1,000,000 shall be made available for activities related to facilitating family reunification, foster care and adoption, and training of adoption and child welfare specialists; and

(3) not less than $1,500,000 shall be made available for family planning assistance, subject to the following:

(A) The prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 and section 534 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall be applicable to funds made available under this paragraph.

(B) Any recipient of funds under this paragraph shall be required to maintain them in a separate account and not commingle them with any other funds.

(C) Each agreement entered into by the United States to obligate funds made available under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if any United States funds are used for any family planning program in a country other than Romania, or for abortion services, involuntary sterilization, or coercive activities of any kind.

PRIVATE SECTOR LOANS PROGRAM ACCOUNT

During fiscal year 1992, commitments to guarantee loans authorized by section 108(i) of the Foreign Assistance Act of 1961 may be made only to the extent that the total loan principal, any part of which is to be guaranteed, may not exceed $114,000,000 and only to the extent that such commitments involve no subsidy costs as defined in section 13201 of the Budget Enforcement Act of 1990. During fiscal year 1992, commitments for direct

loans authorized by section 108 of the Foreign Assistance Act of 1961 may be made only to the extent that the total loan principal may not exceed $10,000,000 and only to the extent that such commitments involve no subsidy costs as defined in section 13201 of the Budget Enforcement Act of 1990. In addition, for administrative expenses to carry out guaranteed loan programs, $1,367,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

For necessary expenses to carry out the provisions of section 214, $30,000,000.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491, $70,000,000, to remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $41,351,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $481,300,000: *Provided*, That in order to effectively monitor its program for the West Bank and Gaza, the Agency for International Development shall station one professional at either the Consulate General in Jerusalem or the Embassy in Tel Aviv: *Provided further*, That, by September 30, 1992, the Agency for International Development shall increase the total number of its direct-hire professional environmental and energy staff by twenty over the number of such staff within the Agency for International Development at the end of fiscal year 1991: *Provided further*, That the current reorganization of the Agency for International Development shall be undertaken within its existing resources and that the Administrator of the Agency for International Development shall submit a report to the Committees on Appropriations by no later than March 1, 1992, detailing the total costs to date of such reorganization (including salary and equipment costs) and projected future costs.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $37,739,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding section 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided*, That up to 3 per centum of the amount made available under the heading "Operating Expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this heading: *Provided further*, That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: *Provided further*, That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and fifty-one at September 30, 1992: *Provided further*, That the Inspector General of the Agency for International Development may, at his discretion and after consultation with the Secretary of State, establish a regional office in Europe in order to carry out audit and other responsibilities with regard to assistance programs for Eastern Europe.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $18,000,000: *Provided*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: *Provided further*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans authorized by chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (including predecessor legislation), and for the cost of modifying direct loans made pursuant to the Export-Import Bank Act of 1945, $65,000,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $3,216,624,000: *Provided*, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1991, whichever is later: *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further*, That none of the funds appropriated under this heading (or local currencies generated with funds provided to El Salvador under this Act) may be made available for El Salvador's Special Investigative Unit until 15 days after receipt by the Committees on Appropriations of a report from the Secretary of State which transmits a plan of the Government of El Salvador to transfer the Unit from military to civilian control, including the time period within which this transfer is to occur and the actions that will be taken to effect such a transfer: *Provided further*, That not less than $16,000,000 of the funds appropriated under this heading shall be made available for the West Bank and Gaza Program through the Near East regional program: *Provided further*, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships or for bicommunal projects: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further*, That not more than $300,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $300,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: *Provided further*, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: *Provided further*, That up to $5,000,000 of the funds appropriated under this heading may be made available for humanitarian assistance for Armenia channeled through United States nongovernmental organizations, notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1993.

BALTIC STATES AND SOVIETS

(a) FUNDING.—Of the funds appropriated under the heading "Economic Support Fund", not less than $15,000,000 shall be made available only for assistance in accordance with the subsections under this heading.

(b) ALLOCATIONS OF ASSISTANCE.—Of the amount made available under this heading—

(1) half shall be allocated for assistance to the Baltic states of Estonia, Latvia, and Lithuania; and

(2) half shall be allocated for assistance to eligible recipients in the Soviet Union that request technical assistance from the United States.

(c) TYPES OF ASSISTANCE.—Funds made available under this heading shall be used to provide technical assistance to the Baltic states and eligible recipients in the Soviet Union in support of democratic reforms or market-oriented reforms.

(d) WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.—Assistance may be provided under this heading to any Baltic state or eligible recipient in the Soviet Union notwithstanding any provision of law that would otherwise prohibit such assistance.

(e) ASSISTANCE MUST BE PROVIDED DIRECTLY OR THROUGH NGOS.—Assistance under this heading—

(1) for a Baltic state, may only be provided directly to the government of that state or through nongovernmental organizations; and

(2) for a government of a Soviet republic or a local government described in subsection

(f)(1), may only be provided directly to that government or through nongovernmental organizations.

(f) ELIGIBLE RECIPIENTS IN THE SOVIET UNION.—As used in this section, the term "eligible recipients in the Soviet Union" means—

(1) the Government of any republic, and any local government, within the Union of Soviet Socialist Republics that was elected through open, free, and fair elections,

(2) any indigenous nongovernmental organization in the Soviet Union that promotes democratic reforms, human rights, the rule of law, or market-oriented reforms; or

(3) any governmental agency in the Soviet Union that promotes democratic reforms, human rights, the rule of law, and/or market-oriented reforms, provided that funds may be expended for technical assistance for such an agency but may not be provided directly to any such agency.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II, $20,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.

PHILIPPINES ASSISTANCE

MULTILATERAL ASSISTANCE INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, $160,000,000, which shall be available for the Multilateral Assistance Initiative for the Philippines: *Provided*, That not less than 75 per centum of the funds appropriated under this paragraph shall be made available for project and sector activities consistent with the purposes of sections 103 through 106 of such Act: *Provided further*, That the President shall seek to channel through indigenous and United States private voluntary organizations and cooperatives not less than $25,000,000 of the funds appropriated under this paragraph and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act: *Provided further*, That funds appropriated under this paragraph shall remain available until September 30, 1993.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, $100,000,000, to remain available until expended, which amount shall be available only for nonproject sector assistance for the Philippines.

NOTIFICATION AND REPORT

None of the development assistance funds appropriated under this heading for the Philippines, and none of the funds appropriated in this Act under the headings "Economic Support Fund", "Development Assistance Fund", "Population, Development Assistance", and "Foreign Military Financing Program" that are allocated for the Philippines shall be obligated or expended except through the regular notification procedures of the Committees on Appropriations: *Provided*, That in the event the United States and the Government of the Philippines are unable to agree to a Military Base Agreement, the President shall submit a report to the Committees on Appropriations justifying requested or modified assistance levels for the Philippines in light of the failure to achieve such an agreement: *Provided further*, That such report shall be submitted prior to the initial notification required by this paragraph.

ASSISTANCE FOR EASTERN EUROPE

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe as follows—

(1) $136,000,000 shall be provided for technical assistance and training, including such activities as support for labor activities, scholarship programs, medical assistance, and support for public and private sector development, and for technical and other assistance to support housing sectors;

(2) $75,000,000 shall be provided for environment and energy activities, with emphasis on assistance in developing policies encouraging, and providing incentives for, end-use energy efficiency (including preparation of least-cost energy plans), conservation, and reliance on renewable energy resources, and further including training, technical assistance for related energy and environmental investments or regulation, local production of environmental or energy-related equipment, promotion of United States technologies, and dealing with health problems directly associated with pollution;

(3) $20,000,000 shall be provided for activities to foster democratic pluralism;

(4) $169,000,000 shall be provided for the Polish-American, Hungarian-American and other Enterprise Funds; and for other private enterprise activities, with emphasis on technical assistance and training for development of market-oriented policies, restructuring and creation of financial institutions (such as stock markets, insurance companies and banks), creation and management of private business organizations, and privatization of state business organizations.

(b)(1) Funds allocated by this Act for any of the paragraphs under subsection (a) may be reallocated for the purposes of any other such paragraph if, at least 15 days prior to such reallocation, the Committees on Appropriations are notified in accordance with regular notification procedures.

(2) Funds appropriated under this heading or in prior appropriations Acts that have been made available to an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

(c) Funds made available for the Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(e) On December 1, 1991, the President shall submit to the Committees on Appropriations a report containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated for Eastern Europe under this heading: *Provided*, That an update of this report shall be submitted by the President on March 1, 1992, to the Committees on Appropriations.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $14,950,000: *Provided*, That, when, with the permission of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made. This provision applies with respect to both interest earned before and interest earned after the enactment of this provision.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $28,794,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $2,399,000: *Provided*, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1991 through September 30, 1993.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,000,000.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $200,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1993.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $150,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section

3109 of title 5, United States Code; $630,000,000: *Provided*, That not less than $80,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further*, That not less than $1,500,000 shall be available for Tibetan refugees: *Provided further*, That not less than $1,500,000 shall be available for voluntary repatriation of Hmong refugees from Thailand to Laos through nongovernmental organizations: *Provided further*, That not less than $315,000,000 shall be available for overseas refugee programs (in addition to amounts available for Soviet, Eastern European, and other refugees resettling in Israel): *Provided further*, That not more than $11,000,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,000,000: *Provided*, That funds appropriated under this heading which exceed the amount appropriated under this heading for fiscal year 1991 may be made available only through the regular notification procedures of the Committees on Appropriations.

AMENDMENT OFFERED BY MR. MC EWEN

Mr. MCEWEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCEWEN: Page 42, line 13, before the period insert the following:

": *Provided further*, That $1,000,000 of the funds appropriated under this heading may not be obligated or expended until the President reports to the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate on the following: (1) whether efforts are being made by the United States to mobilize the international community through the United Nations Security Council to bring about the expeditious replacement of Saddam Hussein as the military and political leader of Iraq, including a brief description of such efforts, (2) whether the continued rule of Saddam Hussein in Iraq is likely to result in future Iraqi aggression against neighboring states, increased international terrorism, or further genocidal attacks ethnic or religious minorities within Iraq, and (3) whether the perpetuation of the rule of Saddam Hussein is compatible with the principles of the United Nations and the goal of United Nations Security Council Resolution 678 which authorizes the use of force to restore international peace and security in the Persian Gulf.".

Mr. MCEWEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. MCEWEN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Chairman, I rise today to offer an amendment to withhold $1 million of the $15 million provided for antiterrorism activities until the President reports to the Congress on the impact of the continued rule of Saddam Hussein in Iraq.

The report that is required by this amendment is not complicated nor does it require the President to come to any particular findings. It simply requires a report on:

First, efforts being made to mobilize the United Nations Security Council to bring about the removal of Saddam Hussein as the leader of Iraq;

Second, whether Hussein's continued rule is likely to increase international state-sponsored terrorism, aggression against Iraq's neighbors, or genocide against religious or ethnic minorities in Iraq.

Third, whether Hussein's continued rule is incompatible with U.N. Resolution 678—which authorizes force to bring about peace and security in the region;

The President's leadership during the Iraq-Kuwait crisis was remarkable, and the American people recognize that he is a peerless statesman. In fact, President Bush is certainly the most respected leader on the planet.

Nevertheless, I would like to bring to the attention of the House the crisis of mammoth proportion that is beginning to brew in Iraq. The international Red Cross warns that A "public health catastrophe of immense proportions" threatens that country. Starvation and disease are likely to threaten thousands, even hundreds of thousands of Iraqis, in the coming months. Especially hard hit will be the innocent Iraqi children.

Considering that Saddam Hussein remains in power in Iraq, the civilized nations of the world, and expecially the United States, will face a difficult moral dilemma:

First, aid the government of Saddam Hussein with food, drugs, and assistance to repair the basic infrastructure of Iraq, or

Second, allow uncounted thousands of children to die slow and terrible deaths.

Just as Saddam Hussein attempted to use American and European civilians as hostages and human shields during the Kuwait conflict, the children of Iraq will be the hostages used in an attempt to get Western aid. It is a bitter irony that Mr. Hussein, stripped of most of his massive army and his chemical and nuclear weapons of mass destruction, nonetheless can still use the weapons of starvation and disease on these helpless children.

The civilized world could not give in to Hussein's blackmail after he invaded Kuwait. I believe that these same nations must now refrain from assisting Saddam Hussein's regime in its effort to rebuild Iraq. Anything that will assist in the ability of that horrendous regime to remain in power is offensive.

It is noteworthy that last month British Prime Minister John Major made a statement that no humanitarian aid would be acceptable to Great Britain unless Hussein were no longer in power.

The foreign ministers of the European Community have called for a Nuremburg style international tribunal to hold Saddam Hussein accountable for his crimes.

This is certainly a fine proposal, but the President has stated that above all, including bringing Hussein to justice, he desires the removal of Saddam Hussein from power.

As the potential disaster in Iraq unfolds, and pressure builds to aid that country regardless of who is in charge in Baghdad, I believe it is absolutely vital that the Congress be provided a report regarding the impact of Saddam Hussein's rule will have on numerous security matters like international terrorism, regional stability, and the treatment of minorities in Iraq.

We should also be made aware of efforts to mobilize the international community of nations through the U.N. Security Council to demand Hussein's removal.

I certainly support the efforts to fight international terrorism that are funded through this account of the foreign operations appropriations bill. And I would note that the amendment does not reduce that account, it only withholds 6 percent of the funds for antiterrorism activities until a report is submitted.

In fact, I hope that the administration shares my support for fighting terrorism and will promptly provide the Congress with the simple report that will allow the final $1 million to be available for antiterrorism efforts.

I urge that Members support this amendment in order to assure that we are prepared to face the consequences of Saddam Hussein remaining in power in Iraq.

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

Mr. MCEWEN. I am pleased to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we are happy to accept the amendment on this side of the aisle.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MCEWEN. I am pleased to yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, we are very happy to accept the gentleman's amendment.

Mr. MCEWEN. Mr. Chairman, I thank both gentlemen for their cooperation, and I yield back the balance of my time.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman form Ohio [Mr. MCEWEN].

The amendment was agreed to.

Mr. CHAIRMAN. The clerk will designate title III.

The text of title III is as follows:

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $47,196,000: *Provided*, That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 unless that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That no country whose annual per capita Gross National Product exceeds $2,349 may receive more than $300,000 of the funds appropriated under this heading except as provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this hearing shall be available for Zaire, Liberia, Sudan, and Somalia.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,100,000,000: *Provided*, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1991, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a), and shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That none of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed a grant agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $50,900,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $404,000,000: *Provided further*, That the rate of interest charged on such loans shall be not less than 5 per centum per year: *Provided further*, That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures.

If Turkey receives any funds under this heading on a grant basis then not less than $30,000,000 of the funds provided for Greece shall be made available as grants: *Provided*, That none of the funds appropriated under this heading shall be available for assistance for Guatemala except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia or Somalia: *Provided further*, That funds appropriated under this hearing that are allocated for Malawi may only be provided to support the Malawian military's efforts to secure the Nacala Railroad and for military activities which assist in the Mozambique peace process, including the protection of Mozambican refugees: *Provided further*, That not more than $300,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further*, That not more than $28,900,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $325,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1992 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading not more than $350,000,000 shall be available for Greece, not more than $500,000,000 shall be available for Turkey, not more than $100,000,000 shall be available for Portugal, and not more than $100,000,000 shall be available for the Philippines: *Provided*, That the total of grants and the principal amount of direct loans provided for Greece and Turkey under this heading shall be made available according to a 7 to 10 ratio.

FOREIGN MILITARY SALES DEBT REFORM

Subsection (b) under the heading "Foreign Military Sales Debt Reform" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, is hereby repealed.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed $275,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1991, to remain available for obligation until September 30, 1994: *Provided*, That section 632(d) of the Foreign Assistance Act of 1961 shall be applicable to the transfer to countries pursuant to chapter 2 of part II of that Act of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 $28,000,000.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 43, line 5, insert "Jordan" after "Sudan,".

Page 45, line 11, ", Jordan," after "Liberia".

The CHAIRMAN. Pursuant to the rule, the gentleman from Missouri [Mr. VOLKMER] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, this amendment would prohibit any military assistance fund or military training funds to the country of Jordan. The reason for this, as earlier debated in the Foreign Affairs authorization bill is that, as we know, during Desert Shield and Desert Storm the country of Jordan and King Hussein gave support not to us, who have been friendly allies of theirs before, but to our enemy, Saddam Hussein.

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And as a result, some of us feel it just does not make sense to provide assistance and training to their troops when they are in opposition to us and when we had our troops over in the Mideast, under Desert Storm, fighting to free Kuwait from Iraq and from Saddam Hussein, that the country of Jordan, under King Hussein, was providing not only vocal support but military assistance and other support for Iraq, and our enemy Saddam Hussein.

Therefore, I feel that we should deny assistance for this coming year to the country of Jordan. I do not want to spend a lot of time of the House. This matter has been debated earlier.

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

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. VOLKMER

Mr. OBEY. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Missouri, Mr. VOLKMER.

The Clerk read as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. VOLKMER: On page 43, lines 5 and 6, strike out "and Somalia" and insert in lieu of:

"Somalia, and Jordan: *Provided further*, That funds appropriated under this heading may be made available for Jordan only if the President determines and certifies to the appropriate Congressional committees that: (1) the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East, and (2) such assistance is in the interest of the United States, and (3) Jordan is complying with United Nations sanctions on Iraq".

On page 45, line 11, strike out "or Somalia" and insert in lieu of:

"Somalia, and Jordan: *Provided further*, That funds appropriated under this heading may be made available for Jordan only if the President determines and certifies to the appropriate Congressional committees that: (1) the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East, and (2) such assistance is in the interest of the United States, and (3) Jordan is complying with United Nations sanctions on Iraq".

Mr. OBEY (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 Wisconsin?

Mr. EDWARDS of Oklahoma. Mr. Chairman, reserving the right to object, I understand that the gentleman from Missouri [Mr. VOLKMER] and the gentleman from Wisconsin [Mr. OBEY] have been able to reach agreement on this, but I would like to compliment the gentleman from Missouri [Mr. VOLKMER] for having brought this issue up so well today. He has made a very good point.

Mr. Chairman, I strongly oppose any assistance to Jordan and want to compliment the gentleman for having made the case as well as he has.

Mr. Chairman, continuing under my reservation of objection, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I do not agree with the substitute, but I know where the votes lie. The matter has been debated in the authorization bill. I do not see the point of the House asking for another rollcall, going through all that, because I know the will of the House has probably already been decided.

Therefore, I will not be asking for a rollcall vote.

I recognize that the amendment offered by the gentleman from Wisconsin will pass and, therefore, I am forced to take it. But it is still better than what we had before we started with this bill, with no restrictions on any military assistance.

Mr. Chairman, I welcome the gentleman's support.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes, and a Member opposed thereto will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, let me simply say that the Clerk has already read the pertinent language.

This amendment is offered at the request of the administration. It is very similar to the amendment adopted on three separate occasions today to the authorization bill. It simply says no aid to Jordan unless the President certifies that the Government of Jordan has taken steps to advance the peace process in the Middle East or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East, that such assistance is in the interest of the United States and that Jordan is complying with the United Nations sanctions on Iraq.

I think it is self-evident, and I would ask for a vote.

The CHAIRMAN. Is there further discussion on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Missouri [Mr. VOLKMER]?

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

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

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Chairman, I would fully support the amendment of the gentleman from Wisconsin. The reason is that I would not put in one penny for Jordan, for their past atrocities to the United States. However, I do feel the Palistinian problem does need to be resolved. This gives the President the tools necessary to hold over the head of Hussein to achieve that.

I thank the gentleman for his amendment.

Mr. OBEY. I think the gentleman has exactly described the situation.

Mr. Chairman, if there are no other requests for time, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. VOLKMER was agreed to.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri, as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 by the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Oklahoma [Mr. EDWARDS] is recognized for 5 minutes.

There was no objection.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I have submitted under the rule several amendments relating to additional aid to Turkey. I will not be offering those amendments, and I would also clarify that to keep our options open we have provided several alternatives. It was never my intention to offer an amendment that would have interfered with the current 7 to 10 ratio.

Mr. Chairman, I would like to say, however, that it is, in my opinion, essential that we look seriously at how much assistance we are giving to some of our good allies in that area.

Turkey, in particular, was very, very helpful to us in the gulf crisis. Turkey shut off the Iraqi pipeline immediately after Saddam invaded Kuwait, and it has cost the Turkish Government billions of dollars. The Turks allowed allied aircraft to launch bombing attacks from Turkish military bases.

The Azores were used by us as a key stopover point for our personnel and troops en route to the gulf.

The government in Greece, as well, which also, if we keep the 7 to 10 ratio, would get more money if Turkey did; the government in Greece is considerably more pro-Western than the one previously.

Last year the President agreed to sign a new defense cooperation agreement with the United States which will help keep the bases open to allied forces in case of another flareup in the Middle East.

Portugal has also been another NATO ally as well.

So I would only like to make the point that while I will not offer my amendments, when we do get to conference with the other body it would be my hope that we can remove the cap

that is in our bill so that the administration will have the ability to provide more assistance to Turkey, Greece, and Portugal.

I think it would be in our interest to do so.

The CHAIRMAN. The Chair would ask the gentleman from Oklahoma [Mr. EDWARDS] if he intends to offer amendments Nos. 4, 6, or 8?

Mr. EDWARDS of Oklahoma. Mr. Chairman, I do not.

The CHAIRMAN. The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with 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 may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

There is hereby appropriated $612,000,000, for the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of direct loans, loan guarantees, tied-aid grants, and interest subsidies, in accordance with section 15 of the Export-Import Bank Act of 1945, as amended: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, tied-aid grants, interest subsidies, and total loan principal, any part of which is to be guaranteed, including insurance of not to exceed $11,000,000,000: *Provided further*, That up to $200,000,000 of any funds made available by this paragraph which remain unobligated as of September 30, 1992, shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds made available or limited under this heading may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available, and none of the credits and grants limited, under this paragraph may be made available to support in any manner whatsoever the financing of the sale of any item included in or covered by any category of the "United States Munitions List" authorized by section 38 of the Arms Export Control Act and regulations issued pursuant thereto: *Provided further*, That funds made available by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

Not to exceed $25,113,000 (to be computed on an accrual basis) shall be available during fiscal year 1992 for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $16,000 for official reception and representation expenses for members of the Board of Directors, and there is hereby appropriated $13,500,000 during fiscal year 1992 for administrative expenses incurred in connection with contracting for the issuance and servicing of insurance and reinsurance or in lieu of contracting for the performance of such services by the Export-Import Bank: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000.

The CHAIRMAN. The Clerk will designate title V.

(The text of title V is as follows:)

TITLE V—GENERAL PROVISIONS

COST BENEFIT STUDIES

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International Organizations and Programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 502. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

TERMINATION FOR CONVENIENCE

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

AID RESIDENCE EXPENSES

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

AID ENTERTAINMENT EXPENSES

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $11,500 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

REPRESENTATIONAL ALLOWANCES

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $115,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,875 shall be available for entertainment expenses and not to exceed $75,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $125,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,875 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,600 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed $2,300 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 510. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

HUMAN RIGHTS

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 515. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1992, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

AVAILABILITY OF FUNDS

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapter 1 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

FINANCIAL INSTITUTIONS—DOCUMENTATION

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by or in the possession of the management of the international financial institution, unless the United States governor or representative of the institution certifies to the Committees on Appropriations that the confidentiality of the information is essential to the operation of the institution.

COMMERCE AND TRADE

SEC. 520. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 521. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 522. For the purposes of providing the Executive Branch with the necessary admin-

istrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

CONSULTING SERVICES

SEC. 523. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, 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 pursuant to existing law.

PROHIBITION ON ABORTION LOBBYING

SEC. 524. None of the funds appropriated under this Act may be used to lobby for abortion.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 525. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1993.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

LOANS TO ISRAEL UNDER ARMS EXPORT CONTROL ACT

SEC. 526. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

PROHIBITION AGAINST UNITED STATES EMPLOYEES RECOGNIZING OR NEGOTIATING WITH PLO

SEC. 527. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 528. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

CEILINGS AND EARMARKS

SEC. 529. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

LIMITATION ON CONTINGENCY AUTHORITY

SEC. 530. Not more than $25,000,000 of the funds appropriated by this Act may be used for a "Democracy Contingency Fund".

NOTIFICATION CONCERNING AIRCRAFT IN CENTRAL AMERICA

SEC. 531. (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least fifteen days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

ENVIRONMENT AND GLOBAL WARMING

SEC. 532. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank (MDB) to promote vigorously within each MDB, and especially within the Asian Development Bank, the expansion of programs in areas which address the problems of global climate change through requirements to—

(1) expand programs in energy conservation, end use energy efficiency, and renewable energy and promotion by—

(A) continuing to augment and expand professional staffs with expertise in these areas;

(B) giving priority to these areas in the "least cost" energy sector investment plans;

(C) encouraging and promoting these areas in policy-based energy sector lending;

(D) developing loans for these purposes; and

(E) convening seminars for MDB staff and board members on these areas and alternative energy investment opportunities;

(2) provide analysis for each proposed loan to support additional power generating capacity comparing demand reduction costs to proposal costs;

(3) continue to assure that environmental impact assessments (EIA) of proposed energy projects are conducted early in the project cycle, include consideration of alternatives to the proposed project, and encourage public participation in the EIA process;

(4) continue to include the environmental costs of proposed projects with significant environmental impacts in economic assessments; and

(5) continue to provide technical assistance as a component of energy sector lending.

(b) The Secretary of the Treasury shall vigorously promote within the International Monetary Fund reforms which address the problems of global climate change through requirements to—

(1) augment and expand professional staff to address the macroeconomic policies of recipient countries in conjunction with environmental preservation and sustainability;

(2) establish a systematic process within the Fund to review environment, public health, and poverty impacts of proposed lending prior to such lending taking place; and

(3) require that a report on the status of operationalizing these reforms be submitted to Congress prior to obligation of any additional funds to the IMF.

(c) The Secretary of the Treasury shall, not later than March 1, 1992, submit a report to the Congress which shall include—

(1) a detailed description of how the natural resource management initiatives mandated by this section have been incorporated in the Administration's efforts to address Third World Debt (the Brady Plan);

(2) a detailed description of progress made by each of the MDBs in adopting and implementing programs meeting the standards set out in subsection (a) including, in particular, efforts by the Department of the Treasury to assure implementation of this section, progress made by each MDB in subsection (a)(1)(B), and the amounts and proportion of lending in the energy sector for projects or programs in subsection (a)(1);

(3) the progress the Inter-American Development Bank has made in implementing environmental reforms;

(4) an updated analysis of each MDB's forestry sector loans, and a current analysis of each MDB's energy sector loans, and their impact on emissions of CO_2 and the status of proposals for specific forestry and energy sector activities to reduce CO_2 emissions; and

(5) the progress the International Bank for Reconstruction and Development has made in implementing the recommendations set forth in the April 1, 1988, report on "Debt-for-Nature Swaps".

(d)(1) The Administrator of the Agency for International Development shall update and issue guidance to all Agency missions and bureaus detailing the elements of the "Global Warming Initiative", which will continue to emphasize the need to reduce emissions of greenhouse gases, especially CO_2 and CFCs, through strategies consistent with continued economic development. This initiative shall continue to emphasize the need to accelerate sustainable development strategies in areas such as reforestation, biodiversity, end-use energy efficiency, least-cost energy planning, and renewable energy, and shall encourage mission directors to incorporate the elements of this initiative in developing their country programs.

(2) The Administrator shall pursue this initiative by, among other things—

(A) increasing the number and expertise of personnel devoted to this initiative in all bureaus and missions;

(B) devoting increased resources to technical training of mission directors;

(C) accelerating the activities of the Multi-Agency Working Group on Power Sector Innovation;

(D) focusing tropical forestry assistance programs on the key middle- and low-income developing countries (hereinafter "key countries") which are projected to contribute large amounts of greenhouse gases to the global environment;

(E) assisting countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry;

(F) focusing energy assistance activities on the key countries, where assistance would have the greatest impact on reducing emissions from greenhouse gases; and

(G) continuing to follow the directives with respect to key countries and countries that receive large Economic Support Fund assistance contained in section 534(b)(3) of Public Law 101-167.

(3) None of the funds appropriated in this Act shall be available for any program, project or activity which would—

(A) result in any significant loss of tropical forests; or

(B) involve commercial timber extraction in primary tropical forest areas unless an environmental assessment:

(i) identifies potential impacts on biological diversity;

(ii) demonstrates that all timber extraction will be conducted according to an environmentally sound management system which maintains the ecological functions of the natural forest and minimizes impacts on biological diversity; and

(iii) demonstrates that the activity will contribute to reducing deforestation.

(4) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(e) Of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, not less than $130,000,000 shall be made available for environment and energy activities, including funds earmarked under section 533 of this Act, as follows—

(1) not less than $20,000,000 of the aggregate of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for biological diversity activities, of which: $5,000,000 shall be made available for the Parks in Peril project pursuant to the authority of section 119(b) of that Act, and $100,000 shall be for the Charles Darwin Station;

(2) not less than $20,000,000 of the funds appropriated to carry out the provisions of sections 103 and 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available to support replicable renewable energy projects, and at least five new renewable energy projects are to be initiated during fiscal year 1992;

(3) not less than $7,000,000 of the funds appropriated to carry out the provisions of sections 103 and 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for assistance in support of elephant conservation and preservation, of which $2,000,000 shall be available for the PARCS project; and

(4) not less than $25,000,000 of the funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961 shall be made available for the Office of Energy of the Agency for International Development.

(f) Of the funds appropriated by this Act to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, the Agency for International Development should, to the extent feasible and inclusive of funds earmarked under subsection (e) of this section, target assistance for the following activities:

(1) $50,000,000 for projects associated with the Global Environmental Facility;

(2) a total of $10,000,000 for CORECT, the Environmental Technology Export Council, and the International Fund for Renewable Energy Efficiency; and

(3) $55,000,000 for activities consistent with the Global Warming Initiative.

MONTREAL PROTOCOL FACILITATION FUND

(INCLUDING TRANSFER OF FUNDS)

SEC. 533. Not less than $15,000,000 of the funds appropriated by this Act to carry out sections 103 and 106 of the Foreign Assistance Act of 1961 shall be used to support the creation of a fund to facilitate and support global participation in the Montreal Protocol on Substances that Deplete the Ozone Layer: *Provided*, That these funds shall be transferred to the Bureau of Oceans, International Environment and Scientific Affairs of the Department of State and shall be made available, after consultations with the Environmental Protection Agency, to the United Nations Environment Program in its role as Secretariat to the Protocol: *Provided further*, That the United States representative to the Secretariat shall seek assurances that none of these funds shall be contributed to any developing country that is not a party to the Protocol and operating under Article 5 of the Protocol.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 534. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

AFGHANISTAN—HUMANITARIAN ASSISTANCE

SEC. 535. Of the aggregate amount of funds appropriated by this Act, to be derived in equal parts from the funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, and chapter 4 of part II of that Act, up to

$70,000,000 may be made available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law. In carrying out this section, the Administrator of the Agency for International Development shall ensure that an equitable portion of the funds is made available to benefit Afghan women and girls, particularly in programs in refugee camps in Pakistan and in reconstruction projects in Afghanistan.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 536. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

EL SALVADOR—INVESTIGATION OF MURDERS

SEC. 537. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $10,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders, (3) pursued all legal avenues to bring to trial those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador, and to obtain a verdict, (4) pursued all legal avenues to bring to trial those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates, and to obtain a verdict, and (5) pursued all legal avenues to bring to trial those responsible for the deaths of the ten unionists who were killed during the October 31, 1989 bombing of the FENASTRAS headquarters, and to obtain a verdict.

REFUGEE RESETTLEMENT

SEC. 538. It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

ETHIOPIA—FORCED RESETTLEMENT, VILLAGIZATION

SEC. 539. None of the funds appropriated in this Act shall be made available for any costs associated with the Government of Ethiopia's forced resettlement or villagization programs.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 540. None of the funds appropriated in this Act shall be obligated or expended for Sudan, Liberia, Lebanon, Zaire, Yemen, Guatemala, Chile, Uganda, or Somalia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 541. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 542. Up to $8,000,000 of the funds made available by this Act for assistance for health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries.

CHILE

SEC. 543. Funds appropriated by this Act under the heading "Economic Support Fund" may be used under the authority of section 534(b) (4) and (6) of the Foreign Assistance Act of 1961 to support the efforts of private groups and individuals seeking to develop a national consensus on the importance of an independent judiciary and the administration of justice generally in a democratic society. Assistance may be provided under this section without regard to the requirements of section 726(b) of the International Security and Development Cooperation Act of 1981.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 544. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, or Syria unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 545. Section 61(a) of the Arms Export Control Act is amended by striking out "1991" and inserting in lieu thereof "1992".

DEFENSE EQUIPMENT DRAWDOWN

SEC. 546. (a) Defense articles, services and training drawn down under the authority of section 506(a) of the Foreign Assistance Act of 1961, shall not be furnished to a recipient unless such articles are delivered to, and such services and training initiated for, the recipient country or international organization not more than one hundred and twenty days from the date on which Congress received notification of the intention to exercise the authority of that section: *Provided*, That if defense articles have not been delivered or services and training initiated by the period specified in this section, a new notification pursuant to section 506(b) of such Act shall be provided, which shall include an explanation for the delay in furnishing such articles, services, and training, before such articles, services, or training may be furnished.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 547. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 548. Funds appropriated by this Act may be obligated and expended subject to section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

SEC. 549. The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements: *Provided further*, That the Secretary of State and the Secretary of the Treasury should in every feasible instance notify the Appropriations Committees of the Congress and such other Committees as appropriate not less than 15 days prior to any formal multilateral

or bilateral negotiation for official debt restructuring, rescheduling, or relief: *Provided further*, That the Secretary of State or the Secretary of the Treasury, as appropriate, shall report not later than February 1 of each year a consolidated statement of the budgetary implications of all debt-related agreements entered into force during the preceding fiscal year.

MIDDLE EAST REGIONAL COOPERATION AND ISRAELI-ARAB SCHOLARSHIPS

SEC. 550. Middle East regional cooperative programs which have been carried out in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985 shall continue to be funded at a level of not less than $7,000,000 from funds appropriated under the heading "Economic Support Fund".

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. 551. It is the sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the sense of the Congress that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. 552. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: *Provided*, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

EARMARKS

SEC. 553. Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this section with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this section shall be made available under the same terms and conditions as originally provided.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 554. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 555. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to fiscal year 1990, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

SOUTH AFRICA—SCHOLARSHIPS

SEC. 556. Of the funds made available by this Act under the heading "Economic Support Fund", $10,000,000 may be made available for scholarships for disadvantaged South Africans.

NARCOTICS CONTROL PROGRAM

SEC. 557. (a)(1) Of the funds appropriated by this Act under the heading "Economic Support Fund", $275,000,000 may be made available for Peru, Bolivia, Colombia, and Ecuador: *Provided*, That funds under this paragraph may be made available to a country only if such country is making significant progress, as appropriate, in (1) satisfying the goals agreed to in the applicable bilateral narcotics agreement between such country and the United States, or a comparable multilateral agreement, (2) preventing narcotic drugs and other controlled substances from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States, (3) preventing and punishing the laundering in that country of drug-related profits or drug-related moneys, and (4) preventing and punishing public corruption which facilitates the illicit production, processing, or shipment of narcotic drugs and other controlled substances, or which discourages the investigation and prosecution of such acts.

(2) For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, funds appropriated by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act may be made available for Bolivia, Peru, Colombia, Ecuador, and Jamaica to promote the production, processing, and the marketing of products which can be economically produced in those countries, notwithstanding section 520 of this Act.

(3) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not more than $118,000,000 may be made available for Bolivia, Peru, and Colombia: *Provided*, That no funds may be made available under this paragraph to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights.

(4) Funds made available by this Act to carry out the provisions of the Arms Export Control Act and section 534 of the Foreign Assistance Act of 1961 may be provided for training and equipment for law enforcement agencies or other units in Colombia, Bolivia, and Peru that are organized for the specific purpose of narcotics enforcement: *Provided*, That assistance under this paragraph may be provided notwithstanding section 660 of the Foreign Assistance Act of 1961 and the second sentence of section 534(e) of that Act: *Provided further*, That the waiver contained in this paragraph does not apply to Peru's Sinchi police: *Provided further*, That assistance provided pursuant to this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

(5) Funds made available under this subsection shall be available for obligation consistent with requirements to apply the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control).

(b) None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1991, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures (including satisfying the goals agreed to in applicable bilateral narcotics agreements as defined in section 481(h)(2)(B) of the Foreign Assistance Act of 1961) to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

(c) In making determinations with respect to Bolivia, Colombia, Ecuador, and Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on coca control and whether the provision of assistance for that country is in the national interest of the United States.

(d) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplo-

macy programs) of the Agency for International Development, and $40,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

TURKISH AND GREEK MILITARY FORCES ON CYPRUS

SEC. 558. Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) entered into by the United States after the enactment of this section shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this section.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 559. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

ASSISTANCE FOR CAMBODIAN DEMOCRACY

SEC. 560. (a) ASSISTANCE.—(1) Not to exceed $20,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" and for "development assistance" may be made available for humanitarian and development assistance for Cambodians, including the Cambodian non-Communist resistance, along the Thai-Cambodian border and throughout Cambodia, notwithstanding any other provision of law (other than sections 531(e) and 634A of the Foreign Assistance Act of 1961, section 522 of this Act, and the provisions of this section).

(2) The President shall terminate assistance under this section to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(3) Not later than January 1, 1992, the President shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an unclassified report describing the extent of military cooperation since January 1, 1991, between the Khmer Rouge and any individual group or faction of the non-Communist resistance.

(b) ADMINISTRATION OF ASSISTANCE.—To the maximum extent possible, all funds made available under this section shall be administered directly by the United States Government.

(c) RELATION TO ASSISTANCE FOR CAMBODIAN CHILDREN.—(1) Any assistance provided under this section shall be in addition to the assistance provided for under the heading "Humanitarian Assistance for Cambodian Children".

(2) Notwithstanding any other provision of this Act, funds made available under the heading "Humanitarian Assistance for Cambodian Children" shall also be available to civilian victims of war.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "development assistance" means assistance furnished to carry out any of the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961; and

(2) the term "humanitarian assistance" means food, clothing, medicine, or other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(e) NOTIFICATIONS.—Any funds made available during fiscal year 1992 to carry out the purposes of this section shall be subject to the regular notification procedures of the Committees on Appropriations.

COMPETITIVE INSURANCE

SEC. 561. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

IRELAND

SEC. 562. It is the sense of the Congress that of the funds appropriated or otherwise made available for the International Fund for Ireland, the Board of the International Fund for Ireland should give great weight in the allocation of such funds to projects which will create permanent, full-time jobs in the areas that have suffered most severely from the consequences of the instability of recent years. Areas that have suffered most severely from the consequences of the instability of recent years shall be defined as areas that have high rates of unemployment.

ASSISTANCE TO AFGHANISTAN

SEC. 563. Funds appropriated by this Act may not be made available, directly or for the United States proportionate share of programs funded under the heading "International Organizations and Programs", for assistance to be provided inside Afghanistan if that assistance would be provided through the Soviet-controlled government of Afghanistan. This section shall not be construed as limiting the United States contributions to international organizations for humanitarian assistance.

EL SALVADOR ECONOMIC SUPPORT FUNDS

SEC. 564. Not less than 25 per centum of the Economic Support Funds made available for El Salvador by this Act shall be used for projects and activities in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961.

DISADVANTAGED ENTERPRISES

SEC. 565. (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

STINGERS IN THE PERSIAN GULF REGION

SEC. 566. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 567. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

APPROPRIATIONS OF UNITED STATES-OWNED CURRENCIES

SEC. 568. The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 by any provision of law enacted after the date of enactment of this Act unless such provision makes specific reference to this section.

DEBT-FOR-DEVELOPMENT

SEC. 569. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including debt-for-development and debt-for-nature exchanges, a nongovernmental organization may invest local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be used, including for the establishment of an endowment, for the purpose for which the assistance was provided to that organization.

LEBANON

SEC. 570. (a) Of the fund appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 not less than $10,000,000, $6,000,000 of which shall be derived from funds appropriated to carry out chapter 1 of part I and $4,000,000 of which shall be derived from funds appropriated to carry out chapter 4 of part II, shall be made available for Lebanon and may be provided in accordance with the general authorities contained in section 491 of the Foreign Assistance Act of 1961.

(b) All deliveries to Lebanon of equipment purchased with Foreign Military Financing credits or grants shall be subject to the regular notification procedures of the Committees on Appropriations.

LOCATION OF STOCKPILES

SEC. 571. Notwithstanding section 514(b) of the Foreign Assistance Act of 1961, additions may be made to stockpiles in Israel during fiscal year 1992 having a value of $300,000,000: *Provided*, That the word "value" as used in this section shall have the same meaning as in section 514 of the Foreign Assistance Act of 1961.

ASSISTANCE FOR PAKISTAN

SEC. 572. (a) Section 620E(d) of the Foreign Assistance Act of 1961 is amended by striking out "April 1, 1991" and inserting in lieu thereof "April 1, 1993".

(b) None of the funds appropriated in this Act shall be obligated or expended for Pakistan except as provided through the regular notification procedures of the Committees on Appropriations.

SEPARATE ACCOUNTS

SEC. 573. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as:

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate 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.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ASSISTANCE FOR NICARAGUA

SEC. 574. None of the funds appropriated by this Act shall be provided for any member of the Nicaraguan resistance who has not disarmed and is not abiding by the terms of the cease-fire agreement and the addendums to the Toncontin Agreement signed on April 19, 1990.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 575. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

FUTURE ASSISTANCE PROJECTIONS

SEC. 576. The Congress finds that, as is the case with most domestic programs, overall constraints on the Federal budget will have a significant impact on the ability of the

United States Government to meet program requirements in the coming years. Therefore, in order to assist the Congress to make the difficult policy choices attendant to budget shortfalls, the Congressional Presentation Documents of departments and agencies included within this Act shall contain funding projections for each of its major program components for each of the three years following the year for which new budget or other authority is being requested.

HUMAN RIGHTS

SEC. 577. (a) COUNTRY LISTINGS.—Not later than thirty days after submission of the report required by section 502B(b) of the Foreign Assistance Act of 1961, the Secretary of State shall submit to the Committees on Appropriations a listing of those countries the governments of which are found, based upon the criteria and findings in the report required by section 502B(b) of the Foreign Assistance Act of 1961, to engage in a consistent pattern of gross violations of internationally recognized human rights. This list shall be accompanied by a report from the Secretary of State describing how, for each country receiving assistance under the Foreign Military Financing Program, such assistance will be conducted to promote and advance human rights and how the United States will avoid identification with activities which are contrary to internationally recognized standards of human rights.

(b) HUMAN RIGHTS REPORT.—The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 to the Committees on Appropriations each year by the date specified in that section: *Provided*, That each such report submitted pursuant to such section shall include a review of each country's commitment to children's rights and welfare as called for by the Declaration of the World Summit for Children.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 578. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

SEC. 579. In all negotiations concerning the structure, bylaws, and operating procedures of the European Bank for Reconstruction and Development (EBRD), the Secretary of the Treasury shall vigorously seek—

(1) establishment of procedures for environmental assessment of all proposed operations with potentially significant environmental impacts;

(2) establishment of an environmental unit with sufficient staff to review proposed operations, monitor compliance with environmental provisions, and provide overall policy guidance;

(3) establishment of procedures for systematic consultation with and involvement of the public and interested nongovernmental organizations, including an opportunity for comment by local communities which may be affected by EBRD operations and establishment of a system of public notification and comment during the development of EBRD policies and operating procedures; and

(4) agreement that a significant portion of the EBRD's funds shall be devoted to projects focused on environmental restoration and protection.

REPEAL OF FISCAL YEAR 1991 PROVISION

SEC. 580. The amendment to section 516(a) of the Foreign Assistance Act of 1961 made by section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) is hereby repealed.

CHEMICAL WEAPONS PROLIFERATION

SEC. 581. None of the funds appropriated by this Act may be used to finance the procurement of chemicals, dual use chemicals, or chemical agents that may be used for chemical weapons production: *Provided*, That the provisions of this section shall not apply to any such procurement if the President determines that such chemicals, dual use chemicals, or chemical agents are not intended to be used by the recipient for chemical weapons production.

KENYA

SEC. 582. Notwithstanding any other provision of law, none of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program", may be made available for Kenya unless the President certifies, and so reports to the Congress, that the Government of Kenya is taking steps to—

(1) charge and try or release all prisoners, including any persons detained for political reasons;

(2) cease any physical abuse or mistreatment of prisoners;

(3) restore the independence of the judiciary; and

(4) restore freedoms of expression: *Provided*, That none of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program" may be obligated or expended for Kenya until 30 days after such report is transmitted to the Congress.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 583. During fiscal year 1992, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 584. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 585. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended—

(a) by striking out "As a result" and all that follows through "the President", and inserting in lieu thereof "During fiscal year 1992, the President", and

(b) by striking out "of $700,000,000" and all that follows through the period, and inserting in lieu thereof "that equals the difference between $700,000,000 and the value of any such articles, services, and education and training that were authorized to be drawn down under the authority of this section before the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992.".

CHIEF FINANCIAL OFFICERS PROHIBITION

SEC. 586. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101-576.

UNEXPENDED BALANCES EXTENSION

SEC. 587. (a) In accordance with section 1557 of title 31, United States Code, amounts appropriated or otherwise made available in Acts making appropriations for foreign assistance and related programs for fiscal years and under the headings identified in subsection (b) shall be exempt from the provisions of subchapter IV of chapter 15 of title 31, United States Code, until September 30, 1994.

(b) Subsection (a) shall apply to funds appropriated under the following headings for the fiscal year 1985 and 1986: "International Organizations and Programs" only for funds made available for the International Fund for Agricultural Development, "Agriculture, rural development, and Nutrition, Development Assistance", "Population, Development Assistance", "Health, Development Assistance", "Child Survival Fund", "Education and human resources development, Development Assistance", "Energy and selected development activities, Development Assistance," "Science and Technology, Development Assistance", "American Schools and Hospitals Abroad", "Trade and Development Program", "Economic Support Fund", "Peacekeeping Operations".

PRIOR CONSULTATIONS ON IFI REPLENISHMENTS

SEC. 588. Prior to entering into formal negotiations on any replenishment for any international financial institution or multilateral development bank, the Secretary of the Treasury shall consult with the Committees on Appropriations and appropriate authorizing committees on the United States position entering those negotiations.

ARMS TRANSFER MORATORIUM

SEC. 589. ARMS TRANSFER MORATORIUM.—(a)(1) ESTABLISHMENT.—Except as provided in paragraphs (2) and (3), the United States Government shall not agree to any transfers of major military equipment to any nation in the Middle East and Persian Gulf region. This moratorium is established to induce and encourage the other permanent members of the United Nations Security Council to join in this effort and also to induce and encourage other members of the North Atlantic Treaty Organization, former members of the Warsaw Pact, and other major arms supplier nations to join in this effort.

(2) CONDITIONS FOR TERMINATION OF UNITED STATES MORATORIUM.—The requirement of

paragraph (1) for a moratorium on United States arms transfers of major military equipment to the Middle East and Persian Gulf region shall cease to apply if the President submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and the Committees on Appropriations—

(A) a report stating that the President has determined that there has been agreement by another major arms supplier nation on or after May 21, 1991, to transfer any major military equipment to any nation in the Middle East and Persian Gulf region;

(B) the reports required by subsection (b)(1)(A) and (B).

(3) EMERGENCY TRANSFERS.—Paragraph (1) does not apply to any transfer of major military equipment that is a necessary, emergency response to major and sustained hostilities in the Middle East and Persian Gulf region or to an imminent threat of such hostilities.

(4) MAJOR MILITARY EQUIPMENT.—As used in this subsection, the term "major military equipment" means—

(A) air-to-air, air-to-surface, and surface-to-surface missiles and rockets;

(B) turbine-powered military aircraft;

(C) attack helicopters;

(D) main battle tanks;

(E) submarines and major naval surface combatants; and

(F) nuclear, biological, and chemical weapons.

(5) EXEMPTION OF REPLACEMENT EQUIPMENT.—Paragraph (1) and paragraph (2)(A) do not apply with respect to transfers which only involve the replacement on a one-for-one basis of equipment of comparable quality that has become inoperable after the date of enactment of this Act.

(b)(1) REPORT ON PLAN FOR MULTILATERAL REGIME.—As soon as practicable after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and the Committees on Appropriations the following two reports:

(A) A report setting forth a United States plan for leading the world community in establishing a multilateral regime to restrict transfers of conventional and unconventional arms to the Middle East.

(B) A report analyzing the feasibility of an arms transfer and control regime among nations in the Middle East and the potential elements of such regime, including—

(i) the feasibility of opening for ratification or accession by nations of the Middle East and Persian Gulf region the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (done at Washington on December 8, 1987), which bans all ground-launched ballistic and cruise missiles having ranges between 500 and 5,500 kilometers;

(ii) what techniques used in the Treaty on Conventional Armed Forces in Europe (done at Paris on November 19, 1990) can be usefully applied to regional arms control initiatives in the Middle East and Persian Gulf region; and

(iii) whether the "Open Skies" regime under consideration for countries in Europe and North America can be usefully applied to the Middle East and Persian Gulf region.

(2) REPORTS ON TRANSFERS AND REGIONAL BALANCE.—Not later than October 1 of each year, beginning in the first calendar year which begins after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and the Committees on Appropriations a report—

(A) documenting all transfers of conventional and unconventional arms to the Middle East over the previous year and the previous 5 years, including sources, types, and acquirers of weapons;

(B) analyzing the current military balance in the region, including the effect on the balance of transfers documented under subparagraph (A);

(C) describing the operation of any agreements comprising the multilateral arms transfer and control regime envisaged by this section; and

(D) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines the regime.

(c) EXISTING AGREEMENTS.—Subsection (a) does not apply with respect to transfers of defense articles or defense services pursuant to agreements entered into before May 21, 1991.

(d) CONVENING OF CONFERENCE TO NEGOTIATE A MULTILATERAL ARMS TRANSFER AND CONTROL REGIME.—As soon as practicable after the date of enactment of this Act, the President shall seek negotiations among, and undertake good faith efforts to convene a conference of, the five permanent members of the United Nations Security Council and other nations as appropriate, including members of the North Atlantic Treaty Organization, former members of the Warsaw Pact, and other nations selling military equipment and services, to establish a comprehensive multilateral arms transfer and control regime with respect to the Middle East and Persian Gulf region. The purposes of this regime should be—

(1) to slow and limit the proliferation of conventional weapons in nations in the Middle East and Persian Gulf region;

(2) to halt the proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons;

(3) to limit and halt the proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads;

(4) to maintain the military balance in the Middle East and Persian Gulf region through reductions of conventional weapons and the elimination of unconventional weapons; and

(5) to promote regional arms control in the Middle East and Persian Gulf region.

NOTIFICATION REQUIREMENT—LOAN OF MILITARY EQUIPMENT

SEC. 590. The Committees on Appropriations are to be notified in accordance with the regular notification procedures prior to the use of the authorities contained in section 503 of the Foreign Assistance Act of 1961, or any comparable provision of law.

REPORTING REQUIREMENT

SEC. 591. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Oklahoma: On Page 68, line 16, strike "$25,000,000", and insert, "$50,000,000".

The CHAIRMAN. Pursuant to the rule the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

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

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I would be very happy to accept the amendment.

Mr. EDWARDS of Oklahoma. I thank the gentleman for agreeing to accept the amendment.

Let me just tell the Members very briefly this does not create any additional expenditure. The foreign aid authorization bill which we have been debating provides for an authorization of a democracy contingency fund to give the President the flexibility to shift money among the existing foreign aid accounts to respond to unforeseen democratic changes in the world.

The request by the administration and the amount of the authorization bill is $100 million. Our bill has $25 million. I think that is probably not adequate; $100 million may be too much.

So all I do in this amendment is increase the amount from $25 million to $50 million to give the President additional flexibility.

Mr. Chairman, I thank the gentleman for his support.

The CHAIRMAN. Is there further discussion on this amendment?

If not, the question is on the amendment offered by the gentleman from Oklahoma [Mr. EDWARDS].

The amendment was agreed to.

The CHAIRMAN. The next amendment is the Conyers-Horton amendment pertaining to the chief financial officers.

AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HORTON: On page 116, strike lines 22 through 25.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from New York [Mr. HORTON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

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

□ 2110

Mr. HORTON. Mr. Chairman, I am offering this amendment to remove language in this bill that prohibits the use of funds to implement the Chief Financial Officers Act.

Mr. Chairman, in a 341-to-52 vote the House last night voted to remove similar language in the Treasury, Postal and general government appropriations bill. My amendment simply makes this

appropriations measure consistent with the position of the House as expressed in last night's vote, and this is offered on behalf of myself and the gentleman from Michigan [Mr. CONYERS].

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

Mr. HORTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me say that while I personally disagree with the amendment because it is not the most effective way to bring accountability to agencies, especially financial accountability, I recognize the will of the House, and I do not see any point in arguing about it again, and I will be happy to accept the amendment.

Mr. HORTON. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY].

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I think this change has not only been welcomed by the House, as indicated by the overwhelming vote that was held before, but I think it is a very important step forward, and I am glad to support the amendment of the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. EDWARDS].

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HORTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 124, after line 4, insert the following:

SEC. 592. REDUCTION IN APPROPRIATIONS.

Each appropriation provided in this Act (other than the appropriations for "International Narcotics Control" and "Gifts to the United States for Reduction of the Public Debt") is hereby reduced by 1 percent.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. TRAFICANT. Mr. Chairman, I want to commend the committee for their effort to take $135 million and make that contribution to deficit reduction.

Mr. Chairman, I believe the amendment is frugal, it is in good order, and I think it would be good for the country, and I would ask the committee to accept that amendment.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I will be happy to accept the amendment of the gentleman from Ohio [Mr. TRAFICANT] making clear that the amendment applies to all appropriated accounts. What that means is that the earmarked accounts are not included in the provision, and, given the way that it is drafted, I do not see any harm in accepting the amendment.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I compliment the gentleman from Ohio [Mr. TRAFICANT] for his amendment. Cutting foreign aid is always a good thing to do. I agree with the gentleman, and I am glad to support his amendment.

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

The CHAIRMAN. Is there further discussion on the amendment of the gentleman from Ohio [Mr. TRAFICANT]?

The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the final three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NAGLE) having assumed the chair, Mr. GLICKMAN, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2621) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes, pursuant to House Resolution 177, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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 SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 102, not voting 29, as follows:

[Roll No. 181]

YEAS—301

Abercrombie	Flake	McMillen (MD)
Ackerman	Foglietta	McNulty
Alexander	Ford (MI)	Meyers
Allard	Frank (MA)	Michel
Anderson	Franks (CT)	Miller (CA)
Andrews (ME)	Frost	Miller (WA)
Andrews (NJ)	Gallo	Mineta
Andrews (TX)	Gejdenson	Mink
Annunzio	Gekas	Moakley
Aspin	Gephardt	Molinari
Atkins	Geren	Moody
AuCoin	Gibbons	Moran
Bacchus	Gilchrest	Morella
Baker	Gillmor	Morrison
Bateman	Gilman	Mrazek
Bentley	Gingrich	Murtha
Bereuter	Glickman	Nagle
Berman	Gordon	Natcher
Bevill	Gradison	Neal (MA)
Bilbray	Grandy	Nichols
Bilirakis	Green	Nowak
Bliley	Guarini	Oakar
Boehlert	Gunderson	Obey
Boehner	Hall (OH)	Olin
Bonior	Hamilton	Olver
Borski	Harris	Ortiz
Boucher	Hastert	Orton
Boxer	Hatcher	Owens (NY)
Brewster	Hayes (IL)	Owens (UT)
Brooks	Hertel	Oxley
Broomfield	Hoagland	Pallone
Browder	Hobson	Panetta
Bruce	Hochbrueckner	Paxon
Burton	Holloway	Payne (NJ)
Bustamante	Horn	Payne (VA)
Byron	Horton	Pelosi
Callahan	Houghton	Penny
Camp	Hoyer	Peterson (FL)
Campbell (CO)	Hunter	Peterson (MN)
Cardin	Inhofe	Pickett
Carper	Jefferson	Pickle
Chandler	Johnson (CT)	Porter
Chapman	Johnson (SD)	Price
Clay	Johnston	Ramstad
Clement	Jones (GA)	Rangel
Coble	Jones (NC)	Ravenel
Coleman (MO)	Kanjorski	Reed
Coleman (TX)	Kaptur	Regula
Collins (IL)	Kasich	Rhodes
Collins (MI)	Kennedy	Richardson
Conyers	Kennelly	Ridge
Cooper	Kildee	Riggs
Coughlin	Kleczka	Rinaldo
Cox (CA)	Klug	Ritter
Cox (IL)	Kolbe	Roe
Coyne	Kopetski	Rohrabacher
Cramer	Kostmayer	Ros-Lehtinen
Cunningham	Kyl	Rose
Darden	LaFalce	Rostenkowski
Davis	Lancaster	Roukema
de la Garza	Lantos	Rowland
DeLauro	LaRocco	Roybal
Dellums	Laughlin	Sabo
Derrick	Leach	Sanders
Dicks	Lehman (CA)	Santorum
Dingell	Lent	Sawyer
Dixon	Levin (MI)	Saxton
Dooley	Lewis (CA)	Schaefer
Doolittle	Lewis (GA)	Scheuer
Dorgan (ND)	Lightfoot	Schiff
Dornan (CA)	Lipinski	Schroeder
Downey	Livingston	Schulze
Durbin	Lowery (CA)	Schumer
Dwyer	Lowey (NY)	Sharp
Dymally	Machtley	Shaw
Eckart	Manton	Shays
Edwards (CA)	Markey	Sikorski
Edwards (OK)	Matsui	Sisisky
Edwards (TX)	Mavroules	Skaggs
Emerson	McCloskey	Skeen
Engel	McCollum	Skelton
Erdreich	McCrery	Slaughter (NY)
Espy	McCurdy	Smith (FL)
Evans	McDade	Smith (IA)
Fascell	McDermott	Smith (TX)
Fazio	McGrath	Snowe
Feighan	McHugh	Solarz
Fish	McMillan (NC)	Spratt

Stallings	Torres	Weldon
Stark	Towns	Wheat
Stenholm	Traxler	Whitten
Stokes	Unsoeld	Wise
Studds	Upton	Wolf
Sundquist	Vander Jagt	Wolpe
Swett	Vento	Wyden
Synar	Visclosky	Yatron
Tallon	Washington	Young (AK)
Taylor (NC)	Waters	Zeliff
Thomas (CA)	Waxman	Zimmer
Thomas (WY)	Weber	
Thornton	Weiss	

NAYS—102

Anthony	Henry	Pursell
Applegate	Herger	Quillen
Archer	Hubbard	Rahall
Armey	Hughes	Ray
Barnard	Hutto	Roberts
Barrett	Hyde	Roemer
Barton	Ireland	Rogers
Bennett	Jacobs	Roth
Bryant	James	Russo
Bunning	Jenkins	Sangmeister
Clinger	Johnson (TX)	Sarpalius
Combest	Jontz	Savage
Condit	Lagomarsino	Sensenbrenner
Costello	Lewis (FL)	Shuster
Crane	Long	Slattery
Dannemeyer	Marlenee	Slaughter (VA)
DeFazio	Mazzoli	Smith (NJ)
Dickinson	McCandless	Smith (OR)
Donnelly	McEwen	Solomon
Dreier	Miller (OH)	Staggers
Duncan	Mollohan	Stearns
Early	Montgomery	Stump
English	Moorhead	Tanner
Fields	Murphy	Tauzin
Gallegly	Myers	Taylor (MS)
Gaydos	Neal (NC)	Traficant
Gonzalez	Nussle	Valentine
Goss	Packard	Volkmer
Hall (TX)	Parker	Walker
Hancock	Patterson	Walsh
Hansen	Pease	Williams
Hayes (LA)	Perkins	Wilson
Hefley	Petri	Wylie
Hefner	Poshard	Young (FL)

NOT VOTING—29

Ballenger	Hammerschmidt	Mfume
Bellenson	Hopkins	Oberstar
Brown	Huckaby	Serrano
Campbell (CA)	Kolter	Spence
Carr	Lehman (FL)	Swift
DeLay	Levine (CA)	Thomas (GA)
Fawell	Lloyd	Torricelli
Ford (TN)	Luken	Vucanovich
Goodling	Martin	Yates
Gray	Martinez	

□ 2136

The Clerk announced the following pairs:

On the vote:

Mr. Yates for, with Mr. DeLay against.

Mr. Serrano for, with Mr. Spence against.

Mr. SAVAGE changed his vote from "yea" to "nay."

Mr. WASHINGTON changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, during consideration of legislation (H.R. 2621) making appropriations for U.S. foreign aid programs, I missed two rollcall votes. I would like the RECORD to show that had I been present, I would have voted "nay" on rollcall No. 180 and "aye" on rollcall No. 181.

PERSONAL EXPLANATION

Mr. LUKEN. Mr. Speaker, I came to the floor to cast my vote on final passage for H.R. 2621 the foreign operations appropriations bill for fiscal year 1992. I inserted my card and voted "yes." I intended to vote "yes."

PERSONAL EXPLANATION

Mr. BEILENSON. Mr. Speaker, unfortunately I was unable to be present in the House of Representatives during the vote on passage of H.R. 2621, the foreign operations appropriations bill for fiscal year 1992 (rollcall vote 181). Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I was unavoidably detained and missed two rollcall votes, Nos. 180 and 181. Had I been present, however, I would have voted "nay" on rollcall No. 180 and "nay" on rollcall No. 181.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, I was unavoidably detained on the last rollcall vote, Rollcall 181.

Had I been here, I would have voted in the affirmative.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2621, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1992

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Clerk may be permitted to make technical and conforming changes including section renumbering during engrossment of the bill. (H.R. 2621)

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

There was no objection.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2621, and that I may be permitted to include charts, tables, and other materials.

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

There was no objection.

□ 2140

OLDER WOMEN'S BREAST CANCER PREVENTION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, today 41 of my colleagues and I are introducing legislation to provide fee schedule reimbursement of screening mammography through the Medicare Program. Last year Congress enacted legislation to provide for Medicare coverage of screening mammography once every other year, but limited reimbursements by imposing one nationwide cap, which is the lower of actual charges or $55 in all provider settings. The legislation we are introducing today would provide for reimbursement through a fee schedule developed by the Health Care Financing Administration, the way every other procedure under Medicare, including diagnostic mammography, is reimbursed.

Mr. Speaker, we all know that breast cancer is a leading killer of women. Various experts have estimated that breast cancer deaths could be reduced by nearly 30 percent if all women followed the recommended guidelines for obtaining screening mammography. Yet most women do not. Providing Medicare coverage for screening mammography is a very important step in encouraging mammography and making it more affordable. However, providing one cap for all parts of the country and all providers could, we are afraid, have the opposite effect from what Congress intended last year and could limit access to this vital procedure.

I understand that studies by the Physician Payment Review Commission and the General Accounting Office have indicated that costs drop as volume goes up, but that the overwhelming majority of providers do not have high volume. We hope that in the future volume will go up with Medicare coverage and costs can be reduced. However, if Medicare reimburses below current cost, as $55 is in many settings, providers will not be able to offer the test, especially if insurance companies also reduce their reimbursement to the Medicare level, as they usually do. In fact in 1988 the General Accounting Office said that only 7 percent of providers perform this service at $50. In high-cost urban areas and in rural areas, even $55 is not enough. In some areas it may be possible to offer screening mammography for $55, and in those cases $55 should be the limit. However, HCFA should have the ability to set maximum fees for screening mammography through the new relative value radiological fee schedule.

Mr. Speaker, the legislation before you has two parts. The first part simply strikes the provisions of current law which mandate a cap of $55. This will result in screening mammography reimbursement being limited by the radiological fee schedule, and HCFA will have to devise payment amounts within that schedule to cover screening mammography. No other provisions of last year's law are affected.

The second part would enable many nonradiologist physicians who now offer screening mammography to globally bill for the procedure. This change is restricted to the provision of mammography only. It does not change the total fee reimbursed by HCFA, only how the fee is allocated. Offering screening mammography in nonhospital outpatient settings, and where possible in a primary care physicians's office, is the most convenient setting and the setting where compliance should be highest, like the experience with the Pap smear. It is important that these settings should meet the highest quality standards, and

HCFA rightly applied the same strict quality standards to all settings in implementing last year's benefit. However, HCFA also correctly allowed primary care physicians to offer screening mammography if the image is interpreted by a qualified radiologist and all other quality standards are met. Unfortunately, the primary care physician cannot be reimbursed for his or her professional contribution. To solve this problem the second provision would amend the section 1842(b)(6) prohibition against global billing to allow primary care physicians (or other physician providers who do not interpret the mammography image) to globally bill HCFA for the entire procedure and thus receive payment for their contribution in providing the test.

Mr. Speaker, we believe this country is making good progress in this area but we need to do more. This bill represents another important step forward and hopefully we can adopt it expeditiously.

Mr. OWENS of Utah. Mr. Speaker, I rise this evening to address the House on a matter of foreign aid to Jordan, which was taken up earlier today. Because debate time was genuinely limited, I and other Members were unable to fully explore the issues related to Jordan and the Persian Gulf war. There were a great many statements made today impugning Jordan and King Hussein which were not substantiated by the facts. The King simply did not say what they said he said. I regret that I and other Members were unable to offer an adequate point-by-point defense when it was warranted.

Mr. Speaker, I strongly opposed the anti-Jordan amendments, even as they were amended, which passed the House earlier this afternoon. They ignored not only Jordan's importance to United States interests and stability in the Middle East, but also its historic and continuing friendship with the United States.

It is absolutely true that Jordan was not, in balance, helpful to the coalition before or during the Perisan Gulf war. Statements by the King which questioned the motives of the United States in the Middle East, Jordan's unwillingness to condemn Scud missile attacks on Israel, and Jordan's public sympathy for the Iraqi people—these were unhelpful. I am not suggesting otherwise.

But those actions are understandable, at least in part, even if not acceptable to the United States. Let us first consider the facts, both before and after the gulf war, and distinguish myth and misinformation from reality. Then, more importantly, we must consider how our actions today will affect the Middle East in the days and years to come.

First, we should recognize that for 35 years, Jordan, under King Hussein, has been a force for moderation in the Middle East and a consistent friend of the United States, often at great political risk to the King. Second, we must remember that King Hussein supported the U.N. sanctions, and he enforced them. Third, in a region increasingly influenced by radical and Islamic fundamentalist forces, the Kingdom has remained strongly pro-Western. In 1989, members of the Muslim Brotherhood won 33 seats out of 80 in the lower house of Parliament, and an additional 11 seats were carried by radical leftist groups.

The King's rhetoric and posture during the war were critical of the United States and our allies. However, he placed no barriers in our way. He strongly disapproved the invasion of Kuwait, and called upon Saddam Hussein to withdraw. His enforcement of sanctions which were overwhelmingly opposed within his own country was courageous, and, in fact, supportive of what we were doing. Moreover, Jordan went to extraordinary lengths and expense to shelter and care for an estimated 1 million refugees fleeing Iraq and Kuwait through Jordan after the invasion. This unexpected and selfless humanitarian effort, according to the New York Times, burdened Jordan with an additional $40 million in debt.

Notwithstanding the political difficulties in recent years in Jordan, King Hussein has steered his country toward the free market, democratization, and a moderate political course in the Arab world. He has genuinely attempted to maintain a stable and peaceful border with Israel, and by and large, has accomplished that. We enter into this debate, then, with a history of strong political, economic, and military cooperation between Jordan and the United States.

Second, we should consider the actual positions taken by the Jordanian Government during the gulf crisis and the factors which limited King Hussein's options. Although Jordan vocally objected to Western intervention in the region, it strongly objected to the Iraqi invasion, and, though we argued it was in misguided fashion, Jordan tried to play a mediating role in the crisis. Our country, and the Bush administration, were so determined to go to war, that when our Jordanian friend expressed disagreement with our policy, most Americans automatically placed the Kingdom of Jordan on the side of Saddam Hussein. That was an incorrect characterization; it is simply not true, and it was misleading to argue that point today.

Contrary to some media accounts, there is absolutely no evidence to suggest that Jordan offered military assistance or material to Iraq after the invasion of Kuwait. Two such allegations were made against Jordan; both were disproven. First, in the fall of 1990, Jordan was accused of engaging in military cooperation with Iraq, including training Iraqis on captured I-Hawk surface-to-air missiles. I expressed concern about this in a letter to Under Secretary of Defense Paul Wolfowitz. To quote from that response, dated October 18, 1990:

> We [the United States] have never been able to develop any evidence that the Jordanian military is assisting Iraq. We have no evidence of any unusual military shipments transiting Jordan to Iraq, Jordanian military personnel serving in operational units of the Iraqi armed forces, or Iraqi flights over Jordanian territory.

The letter went on to say:

> I want to stress that we regard Jordan as a key friend in the region, and that we have no evidence of Jordanian involvement with Iraq along the line of the questions raised in your letter.

I ask that this letter be printed in the RECORD following my remarks.

Later, allegations arose from unnamed sources that Jordan had shipped arms or ammunition to Iraq during the gulf crisis and some empty ammunition boxes were shown on television. Richard Boucher, the State Department spokesman, said on March 15 that the United States investigation found nothing to indicate that weapons had been sent to Iraq through Jordan since the mid-1980's.

Some have argued that Jordan did not enforce the U.N. imposed economic sanctions. Although there were early concerns over shipments of food and medicine, shortly after passage of U.N. Security Council Resolution 666 which clarified the terms of the sanctions, Jordan discontinued all trade to Iraq and enforced the sanctions without a breach. The only exception to this was Jordan's continued import of Iraqi oil, to which the United States did not object, and which did not result in any cash flow into Iraq.

It should be recognized that Saudi Arabia cut off the flow of the Tapline oil pipeline early on after the invasion. If Amman had purchased oil elsewhere than from Iraq, it would have faced fuel costs estimated at approximately $300 million in foreign exchange which Jordan did not have available. The cost of Iraqi oil was applied against debt owed by Iraq to Jordan; thus it yielded Baghdad no foreign exchange.

Mr. Speaker, it is important also to consider the reasons why Jordan treaded the ambiguous line that it did during the gulf crisis. First of all, King Hussein was profoundly distressed at the prospect of a war which could only spell disaster for his Arab brothers.

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Also, Palestinians, which overwhelmingly supported Saddam Hussein in this crisis, comprise 70 percent, perhaps, of Jordan's population.

Other segments of the population supported Iraq as well, principally out of economic frustration and resentment toward the Gulf States. We should recognize that democratic reforms implemented by the King, steps which the United States has strongly encouraged, compelled him to be very responsive to public sentiment in his country.

Many would argue that King Hussein could have been more helpful to the coalition and still survived. That may or may not be true. Members of Congress understand better than most the need to be responsive to strong constituent feelings. The actions and the statements of his Government must be considered within the proper political context.

These anti-Jordan amendments, Mr. Speaker, which we passed today, would punish Jordan at precisely the wrong time. We are seeing now a clean and clear willingness and, indeed, a strong desire by King Hussein to cooperate with Secretary Baker's diplomatic initiative in the Middle East. King Hussein urged his country to accept Iraq's defeat and move forward. He has offered to attend a regional peace conference with or without a joint delegation of Palestinians.

In a speech before Jordan's Royal War College on May 22, the King said, "The facts on the ground are painful, but we must face them as they are. We must deal with reality and open eyes and open mind, even if it falls short of our hopes. This is a fact of life."

In an interview with a French magazine, Le Point, published on June 1, he said when asked about meeting with Israeli leaders, "taboos must disappear. It is too early to speak about it, but I think this should happen soon. Such face-to-face contacts ought to allow us all to dissipate our fears."

These are encouraging words, indeed, almost the only encouraging word which Secretary Baker is hearing from potential Middle East negotiating partners. This is a time, Mr. Speaker, to work on restoring the relationship between Jordan and the United States in the aftermath of the war. We can best support the peace process and stability in the region by working to heal that rift, not widen it, and by helping Jordan to obtain sound economic footing.

Jordan's economy was damaged more than that of any other country as a result of the war. It stands now on the verge of economic collapse, and with that, political turmoil. Jordan's economy has been heavily dependent on annual remittances of more than $600 million a year, and direct foreign aid from the Persian Gulf States of more than that amount.

King Hussein's principled stand, although we think it wrong, and Jordan's unwillingness to join or endorse the allied coalition severed those crucial ties and this critical economic assistance, and they will be difficult to restore.

Moreover, the war has contributed to a 30-percent unemployment rate, it has resulted in annual losses approximating 50 percent of gross domestic product, and compounded a foreign exchange crisis of major proportions. Consequently, Jordan is faced with ever-deepening economic turmoil, and this threatens its political stability and that of the entire region. With radical Islamic fundamentalism on the rise in Jordan, it is frightening to imagine the nature of a regime that could rise from the ashes of the current government.

It could be a government exactly like that which arose some 12 years ago in Iran. Mr. Speaker, today the King courageously sought birth to a new government headed by a Palestinian from the city of Nablus on the West Bank to Harmozi, and that government, Mr. Speaker, has no fundamentalist member in its government, even though they comprise almost 45 percent of the members of the Parliament. That is a courageous fact on the part of the king and one which speaks for moderation and the importance of continued American support for the Jordanian Government.

Mr. Speaker, these anti-Jordanian amendments which we passed today fly in the face of the advice of President Bush and Secretary Baker. It is also against the advice of most of the distinguished leadership of our Foreign Affairs Committee, and, may I say, almost every single objective authority on the Middle East who is interested in a comprehensive peace settlement in that area which is the most dangerous in the world today.

Mr. Speaker, a stable Kingdom of Jordan is critical to building a lasting peace in the Middle East. There is no rational vision of a peace process or settlement to the Palestinian and Arab-Israeli conflicts, without a stable Jordan. I visited Israel on two separate occasions during the gulf war. On both visits, Prime Minister Shamir told me that he was anxious that King Hussein and Jordan survive this crisis. Even after King Hussein's blistering and unfortunate speech on November 6, Prime Minister Shamir linked the fates of Israel and Jordan. He said, "Whatever happens there can have an influence of what happens with us."

Mr. Speaker, there is little to gain and much to lose by promoting Jordan's further economic decline and complicating Secretary Baker's diplomacy in the Middle East.

Mr. Speaker, at this point I will insert a letter to me from the Secretary of Defense to which I referred earlier, and the three key speeches by King Hussein made during the war and immediately thereafter.

ADDRESS BY HIS MAJESTY KING HUSSEIN I TO THE NATION, FEBRUARY 6, 1991

Brother citizens, brother Arabs, brother Muslims, you who uphold your faith and refuse to see your nation humiliated; you who are truly sincere within yourselves and in your hearts and minds, and in your objectives, ideas and attitudes; you who are concerned for the present as well as the future generations of our nation, I greet every one of you with all affection.

I choose to address you at this very difficult moment, motivated by Arab honor and religious duty. I address you on the eve of the fourth week of this savage and large scale war which was imposed on brotherly Iraq, and which is aimed at Iraq's existence, its role, its progress and its vitality. It is also aimed at Iraq's right to a life of freedom and dignity, and its determination to fulfill its historic, cultural and human role which started in Babylon, Baghdad and Basra, and which contributed to human civilization, scientific progress and culture.

Iraq, fellow Arabs and Muslims, now pays the price in pure and noble blood of belonging to its nation. Iraq had always hastened, without hesitation, to make sacrifices in all the battles which the Arabs fought, or which were forced upon them in defence of Arab land in Palestine, Syria, Egypt and Jordan. Arab blood was always dear to Iraq and shouldn't the blood of Iraqi men, women and children be dear to us?! How shamed will be the Arabs who let Arab blood be split in this unjust war?!

The world has known cruel wars, but never one like this that is waged against Iraq and the likes of which may never happen again. The armies of the biggest and most powerful nations have gathered and unleashed their modern and dangerous weapons on the land, in the sea, and in the sky. These weapons had originally been arrayed by the present international military alliance against an opposing alliance led by another super power. They are all now arrayed against the Baghdad of Haroun Al Rashid, the Basra of Islamic studies and poetry, the Kufa of Ali, may God's peace be upon him, the holy Hajaf, Karbala, Al Diwaniyeh, Mosul, Kerkouk, and every Iraqi city and village. Fire rains down upon Iraq from airplanes, from battleships, from submarines and rockets, destroying mosques, churches, schools, museums, hospitals, powdered milk factories, residential areas, Bedouin tents, electricity generating stations, and water networks. This bombing started from the first hours and took the form of a war that aims to destroy all the achievements of Iraq and return it to primitive life, by using the latest technology of destruction. The first victims of this war were justice, righteousness and peace. Its first casualties were the aspirations of all humanity since the end of the Second World War, hoping that that war would be the last human tragedy, and that man would no longer be killer or victim. All the hopes of our nation and the world community were thwarted the day the land of Iraq was turned into the arena of the third world war.

Brother citizens, brother Arabs, brother Muslims, the irony of this war is that it is waged under the cloak of international legitimacy, and in the name of the United Nations, which was created to preserve peace, security and justice, and to resolve disputes through dialogue, negotiations and diplomacy. If this is an example of the future role of the United Nations in the new world order, what an ominous future lies before all nations! What international legitimacy will there be to protect the less powerful against the more powerful who seek to subjugate them, humiliate them, kill them, and usurp all their rights that were granted by God and protected by charter of the United Nations? We now realize fully the real reason why we, the Arabs, were deprived of our right to solve our problems, and why the United Nations was prevented from fulfilling its role, and why the doors were shut against any sincere political attempt to resolve the gulf crisis. It is claimed that every effort possible was made to solve the crisis during the five months before the war. This is not true. If

the effort that was spent in preparing for the war had been devoted to the quest for a peaceful settlement, this disaster would not have taken place. Moreover, the on-going war, with its destructive outcome, is incompatible with the humanitarian objectives of the United Nations resolutions which were adopted to restore peace and security to the gulf region.

By contrast the Arab-Israeli conflict remained far from any honest and real attempt to resolve it justly. The Arab Palestinian people and the Arab nation still await the implementation of a single United Nations resolution, which rejects Israeli occupation and calls for an end to it. Twenty-four years have passed since the occupation of the west bank, Gaza and the Golan Heights, and nine years have passed since the occupation of South Lebanon, but none of our hopes were fulfilled. Nevertheless, we did not despair of the United Nations. The major powers persisted in assuring us that a peaceful solution was possible. As regards the gulf crisis, the Arab parties concerned chose from the beginning to reject any political Arab dialogue with Iraq, and to block any attempt that could prevent the internationalization of the crisis and its resolution by directly dealing with all its causes and results. All the good offices of Jordan and others who were concerned for the future of our nation were aborted. Why? Because the real purpose behind this destructive war, as proven by its scope, and as attested to by the declarations of the parties, is to destroy Iraq, and rearrange the area in a manner far more dangerous to our nation's present and future than the Sykes-Picot agreement. This arrangement would put the nation, its aspirations and its resources under direct foreign hegemony and would shred all ties between its parts, thus further weakening and fragmenting it.

The talk about a new world order, whose early feature is the destruction of Iraq, and the persistence of this talk as the war continues, lead us to wonder about the identity of this order and instill in us doubts regarding its nature.

The new world order to which we aspire holds all people equal in their right to freedom, progress and prosperity. It deals with their causes with the same standards and under the same principles, regardless of any consideration or influence. The required new order would not mete out injustice to any one nation. It would not discriminate between nations but draw them together within the framework of mutual respect and fruitful cooperation for the benefit of our planet and all people in it. It must be an order that believes in public freedom and protects private freedoms, respects human rights and strengthens the principles of democracy. It should not deny the Arab people their right to all this.

The nature of the military alliance against Iraq betrays its near and long-term objectives. For when Israel supports this alliance; when two countries, one Arab and other Islamic, both of which have normal political relations with Israel, whose leaders compete for prominence in this alliance and reiterate their desire and enthusiasm for the destruction of Iraq, it becomes easy to realize that this war is a war against all Arabs and Muslims, not only against Iraq. When Arab and Islamic lands are offered as bases for the allied armies from which to launch attacks to destroy Arab Muslim Iraq, when Arab money is financing this war with unprecedented generosity unknown to us and our Palestinian brothers, while we shoulder our national responsibilities; when this takes place, I say that any Arab or Muslim can realize the magnitude of this crime committed against his religion and his nation.

Brother citizens, from the very beginning we have shouldered our responsibilities to the Arab nation and Islam, as well as towards international peace and security. We have made every effort to fulfill these responsibilities. We are not hurt because our rewards have been successive punishments to our country and people. It has become clear to the world that these punishments are the price which we must pay because we tried to avert the disaster which was planned and premeditated in the dark. As a new form of punishment there are now attempts to deprive us of our basic needs, even oil, as a new form of punishment, and one of the most severe, for no other reason than our principled stand. It is because we are not party to the conflict, nor part of the alliance, unwilling to dance to the tune others play, with no will of our own, no rights and no ability to express our free opinion. We would not forsake this right because it is equal in importance to our human right to breathe air that is not yet rationed. Nevertheless, Jordan's leadership and people will remain firm in their position and belief that the opportunity for peace still exists. Recourse to peace remains less costly and would reflect more truly the commitment to principles and values than the continuation of this devastating war.

The voices of millions can be heard in every country, including those of the alliance. They all call for peace and an end to the killing of children, the destruction of homes, and the withholding of medicine from the sick. I know just as you do that against these voices stand political and military leaders, alas with Arabs in their forefront, calling for the continuation of this war. Which voices will win in the end? The voices of reason, peace and justice, or the voices of war, hatred and insanity?

We and other brothers who have made a loud call to stop military action and open the way for diplomatic political action to resolve the problem, but the call fell on deaf ears. Many a time before the war had started we warned against is effects, the deep wounds which it would open, and its repercussions which would grow and include human, economic and ecological tragedies. We warned that war is a measure of last resort, launched only after all efforts to avert it have been exhausted. Our calls and warnings were in vain.

Justice will be victorious, God willing, brothers, and our Nation will prevail because, through its victory humanity will prevail against its enemies. Life will prevail over death. Love among nations will prevail over hatred. It will become clear to all those who gambled that our Nation would be divided, like its leaders, that it is a dead nation, will be proven wrong. Our Nation will remain, God willing, a strong, proud and vibrant nation. "These your people are one people and I am your God, so worship Me alone" (Surat Al Anbiya' No. 92). Let us have fear of God and remember that. If this situation continues it will only benefit those who covet our lands and resources, with Israel at their forefront. There are already signs that the spoils are being divided. We hear and read every day of plans to control our resources, limit our freedom of decision, strangle our aspirations and usurp our rights. There is talk of proposed military alliances and foreign troops that will stay on Arab soil; of conditions that will handicap our progress; of a solution for the Palestinian problem which has been prepared or which will be prepared by others according to what they see, and according to the will of the powerful that is imposed on the weak. We cannot imagine that this solution would fulfill the legitimate national rights of the Palestinian people on their national soil.

This is a call from a Hashemite Arab to all honest Arab and Muslim leaders. Let us join our efforts to stop this catastrophe and save the people of Iraq from the fate that is planned for them Let us save our Nation from the plans that are designed for it. Let us bring this war to an end.

The starting point in all this is immediate and serious work to make the alliance accept a cease-fire, in preparation for a responsible dialogue between the antagonists: An Iraqi-American dialogue and an Arab-Arab dialogue that resort to reason and balance interests against international legitimacy, the legitimacy of security, peace, justice and equality.

By destroying Iraq this war has exceeded the limits set by the United Nations in its resolutions. This is confirmed by declarations of the alliance leaders. So where is the United Nations now? The alternative to a cease-fire is the destruction of Arabs and Muslims, their humiliation, their exploitation, the trampling on their honour, pride and legitimate hopes, and hatred and strife between nations. We in Jordan, will stay the Arabs of all Arabs, the noblest of the noble, the men of all men. We shall always stay united, Army and people, alert to defend our country. If the fight is forced upon us we shall be up to it and gain one of God's two favours (victory or martyrdom). Our hearts are full of faith, and we thank God for everything.

From Amman of the Arabs I send to our people in Palestine our great pride in them, in their steadfastness, in their resilience against their suffering where a whole nation is under House arrest, without work, without a source of earning, without medicine. But it is a nation that believes in God and stands fast by the Aqsa Mosque and the Church of the Holy sepulchre.

As for our people in Iraq, what words can describe their great courage and pride, their tenacity, and their ability to face twenty-eight allied countries, twenty-eight armies headed by the largest, most powerful, and best armed army of the world! To them we send our love and our pride as they defend us all and raise the banner that says God is great, the banner of Arabs and Islam. We salute Iraq, its heroic army, its steadfast people, its glorious women, its brave children, and its aged, confronting with faith the bombers, the battleships and tons of explosives.

We send a special salute to His Holiness Pope John Paul II for his prayers and continuous calls for peace in the Middle East, and to all people and international figures everywhere who decry war and call for peace. A salute of pride to all our Arab and Muslim brothers in the five continents who came out from the first moments of war to make a stand for life and peace against death, destruction and aggression.

I pay a special debt of thanks to all those who search for truth and who work to spread it because they respect and care for truth. To all the newsmen, academics, and politicians who live among us and do their duty in honesty and professionalism.

"Most of their conferrings together are devoid of God, except such as enjoin charity, or the promotion of public welfare or of public peace; and on him who strives after these,

seeking the gratification of God, shall be soon bestowed a great reward" (Surat Al-Nisa' No. 114).

May God's peace and blessing be upon you.

ADDRESS TO THE NATION BY HIS MAJESTY KING HUSSEIN I, MARCH 1, 1991

In the name of God the compassionate, the merciful.

Brother citizens, brother Arabs, in all parts of the Arab world, brother Muslims, in all parts of the world, I send you greetings that spring from a pure Arab heart and conscience that believes in the will of God. On this historic moment I shall pause with you at two landmarks of Jordan's progress and that of the greater Arab nation.

The first is the thirty-fifth anniversary of the Arabisation of the command of our Arab Army, so that it may always remain a source of strength for our nation and people.

The second is the end of the gulf crisis, which we sought from the onset to steer away from the dark tunnel it entered from the second of August until this day. This chapter ended at last, in one of the most cruel national disasters which our Nation has ever endured. Now I address every one of you men and women, young and aged, Muslims and Christians, servicemen and civilians. I address every Arab and Muslim who loved the unfolding saga in his heart and mind, or who faced it as an inescapable reality. I address you, brother Jordanians, to tell you that we have every cause to hold our heads high. Never have we bowed them other than to Almighty God, nor will we now. Our vision was clear from the onset of the tragedy. We realized what the outcome would be if Iraq continued its occupation of Kuwait, and if we were not successful in solving the problem peacefully within the Arab framework. We tried our best to contain the problem in its early stages and at all subsequent stages before the outbreak of war. We sought to solve it and avert disaster through our concern for the greater national interest and our commitment to noble principles. We were not successful. I do not propose to go into the detail of the sad drama because you know it well. You have lived it. I would like to say that the curtain has dropped on the final act, to herald a new dawn which beckons on the horizon. I realise that many of us in Jordan and in the Arab Muslim world will carry with them as they look forward to a new tomorrow, painful memories which can be transformed into hatred and rancour if they are allowed to grow and fester. But vibrant people are those that can overcome their pain and grievance, and contribute lessons from which they themselves learn as they strive for their future, their hope, and their aspirations. Dynamic nations do not allow bad memories to stall their progress or paralyse their ability to think. They emerge from the ashes and shake off the dust having drawn strength, confidence, and determination from their bitter ordeal, to resume normal life and to construct a brighter future.

You know that, after Iraq and Kuwait, Jordan suffered most from this crisis. We were isolated economically till our exports shrank. We were placed unwillingly in the war zone till our tourism ceased and our airspace was closed. We were obliged to shoulder over and above, the responsibility of hosting Jordanian returnees who worked in Kuwait. This entailed an additional burden to our financial and economic plight. Our standard of living was diminished, in the case of hundreds of thousands of our people, to below the poverty line; unemployment soared to an unprecedented level. Our tankers were hit as they came from Iraq loaded with oil, without which, not only the wheels of the economy would grind to a halt, but so would our ability to provide drinking water, which requires energy to pump it from its various sources. Nevertheless, we did what we could to stay prepared to defend our country at all levels; we mobilized the armed forces, called up our reserves, equipped the people's army, and provided basic food supplies for the country. We did not, however, bear a grudge towards anyone, nor did we place the blame on any. We realised that we would pay dearly for standing on principle, and maintaining our freedom of choice within a national context, and because of our geographical location.

Gloating and apportioning blame are not Arab traits, nor are they compatible with their spiritual values because they lead to enmity, hatred, and alienation. On the other hand, forgiveness and burying the past lead to healing the wounds and closing the ranks of the nation once again.

Let us place our trust in God and turn over a new leaf. Let everyone make an honest resolution to work for reconciliation and harmony, and to shun doubts, mistrust, and all causes of strife. Let us establish an inter-Arab relationship based on the fear of God, mutual trust, and faithfulness to the aspirations of our nation and its future generations to live in freedom, peace, security, and stability, so they can resume the quest for progress and fortitude, within its national character and Islamic values.

Let us turn a new page, thanking God that the Gulf war has ended, that the bleeding has stopped, and that the people of Kuwait enjoy their independence once again. Let us pray to God that this be the last strife between Arabs, and that he may guide them to the true path, the path of righteousness, justice, fraternity, solidarity, and affection.

As I say this a stream of images crowds my mind. Today our Kuwaiti brothers celebrate their return to their homes and the resolution of their independence. We share their happiness.

By contrast, our Iraqi brothers nurse their wounds and pain. We sympathise with them all, people and army: Arabs and Kurds, Sunnis and Shi'ites, in every city, village, and Bedouin camp.

We all bear a responsibility toward Iraq, its heritage and history. We shall stand by the Iraqi people as they look forward to rebuilding their country and to healing their wounds. To all our brethren in Iraq we pledge that we shall neither forget them, nor the help they have given us in moment of need.

On this day we see the beginning of a new Arab era. A new dawn between Iraq and Kuwait marked by reconciliation and reconstruction in both countries.

Today, pains and sorrows turn into hope and determination. Today is a day for reflection and self-appraisal, to heal the wounds restore Arab unity, and lay solid foundations for a better future. The nation did not start with us that it should end with us.

This is the day when we should consider how to revive and develop the Arab regional order, to make it more capable of containing our problems and facing the challenges that face our nation.

It is a day of determination for us to build our national strength, to restore confidence in ourselves, and to safeguard our values and beliefs.

It is a day when all should turn to solving their problems, the border issues being at the forefront, so that the nation will never again find itself in a situation of conflict that could lead to its ruin. It is the day when serious thinking ought to commence on how our abilities should complement construction and development in a context of cooperation, to safeguard our human and natural resources and to release the potential of our nation's youth.

It is the day on which we ought to bear witness to the interrelation of interests amongst the nations of the world, the interdependence amongst its peoples, the need to live in harmony with each other, to enjoy our resources in a framework of equality and by the grace of God to fulfill the trust of future generations. On this day we should also not be impervious to the anguish of the Palestinian Arab people, who look to the day of salvation when they too can rejoice as do the Kuawiti people today. The Palestinian people look to a world that has applied international legality with the same vigour that it demonstrated over the question of the occupation of Kuwait, and await the same firmness and decisiveness in applying international legality to its humanitarian and national demands.

It has been said that Palestinians showed happiness when missiles hit Israel. If that is correct, should the world not analyze the cause for this happiness? I suggest to the Israeli leadership and people that they scrutinize this phenomenon closely, for the Palestinians, like all living mortals, are also human, and it is humanity that constitutes their love for life, virtue and peace as it does for others. One cannot distinguish a line between this reaction to the attacks and the continued neglect by the international community of their suffering, a fact which can only have had a brutalizing effect. Such "happiness" is no more than a reflection of deep seated and profound sorrow, coupled with despair of attaining international justice and of having waited so long for salvation in freedom and the right to a life with dignity.

On this day we urge the world again to address the question of Palestine by the same criteria that it has applied over the question of Kuwait. We should also like to renew our pledge to the world that we are committed to striving for the attainment of a just and durable peace that guarantees the national rights of the Palestinian people on their national soil. Foremost among these rights is their right to self-determination and to representation in a peace process aimed at resolving the Arab-Israeli conflict. These rights constitute the basis for the achievement of lasting peace and enduring stability in the region, a goal which we seek jointly with the international community, guided by the noblest of values and by a commitment to the application of all international principles with equal enthusiasm and dedication.

On this day we must also focus attention on the growing disparity between rich and poor nations in this region which predicates continuing social and political unrest if it is not addressed institutionally through planning in order to cope with the challenges to stability in this region and to world peace, and not just as an expression of charity. In our opinion this means a great deal, for it addresses the core of international dealings with our region as an integrated region rather than a series of bilateralism.

On this occasion I should also like to thank all those who helped us during this crisis and who understood and appreciated our principled stand, our propensity for peace and our dedication to conflict resolu-

tion through peaceful means. We would like to assure the whole world that Jordan throws its arms open wide to all those who wish to establish friendly relations based on mutual respect and cooperation. Jordan extends its hand to all those who reciprocate with warmth and honour that we may work together in the knowledge that rhetoric will yield to meaningless deeds. Jordan will always belong to its nation, will always strive for international cooperation in achieving prosperity for all. This is Jordan's longstanding belief which, God willing, it will never abandon.

Here is Jordan we are proud of our democratic experiment which in this crisis has been a foundation stone of the edifice of our national unity. It has revealed the awareness of our people, their fears for the nation's welfare and their deep concern for regional developments in a context of responsible national and patriotic participation.

I congratulate you all in progressing on the path of democracy which we shall strive to conslidate and enhance. At the outset of this new phase, as we prepare ourselves to resume the process of reconstruction, we shall propose the national charter for national endorsement that we may, in the light of the charter, organize and, God willing, guide our participatory process with greater cooperation in the service of our country and our Arab nation equally. Our historic national responsibilities lie in providing the elements of success for our experiment which may offer a model for our Arab brethren, in their turn, to expand their participatory process in the service of their countries.

We in Jordan are confident that the Arab peoples have a greater sense of solidarity and harmony than the recent crisis suggests. They are capable of overcoming the causes of division and fragmentation which we have always cautioned against. Popular participation in the framework of democratic institutions is the guarantor of upholding that solidarity among peoples just as responsible freedom and respect for human rights and human dignity are the guarantors that prevent decision-makers from following the paths of adventurism.

For it is through the widespread adoption of democracy in Arab countries that we can best save our nation from the pitfalls of armed conflict. We also see in democracy a sure way of preserving harmony in the Arab nation on an acceptable basis which would lead the nation to the realization of its hopes in interdependence, strength, progress and prosperity.

"It may be that you dislike a thing which is good for you and it may also be that you prefer a thing and it may be the worst for you. God knows all and you know not." (Al Baqara 216)

May God's peace, mercy and blessings be upon you.

THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, October 13, 1990.

Hon. WAYNE OWENS,
House of Representatives,
Washington, DC.

DEAR MR. OWENS: I am writing in response to your recent letter regarding Under Secretary Wolfowitz' testimony before two House Foreign Affairs Subcommittees. Mr. Wolfowitz is out of the country, and I did not want to delay replying to your questions about Jordan.

We are well aware of the allegations suggesting that Jordan is providing technical assistance to train Iraqis on captured HAWK missiles, flying reconnaissance missions against allied forces in Saudi Arabia, and otherwise assisting the Iraqis. These are serious matters and we investigate all such reports. We have addressed them with the most senior civilian and military leadership in Amman, and have made it clear that such behavior would not be tolerated if it ever proved to be true. The Jordanians have responded by denying that any officially sanctioned cooperation is taking place. In several cases, they have asked for additional details to conduct their own investigations.

We have never been able to develop any evidence that the Jordanian military is assisting Iraq. We have no evidence of any unusual military shipments transiting Jordan to Iraq, Jordanian military personnel serving in operational units of the Iraqi armed forces, or Iraqi flights over Jordanian territory.

At the same time, we have expressed our extreme displeasure with some of the public positions taken by Jordan during the crisis. These demarches and expressions of opposition from other countries seem to have had an effect. The Jordanian Government has taken recent steps to distance itself from Saddam Hussein and his deplorable acts.

Our relationship with Jordan and Jordan's position during this crisis have been an issue, but we cannot lose sight of our longer term goals and objectives in the region. We continue to believe that it is in the best interest of the United States, Jordan, and regional stability to maintain a close and strong security relationship with Jordan. A secure and confident Jordan will allow its civilian and military leaders to play important and positive roles in regional affairs. The Jordanian Armed Forces, which rely heavily on security assistance from the United States, are a key ingredient in strengthening the government's self-confidence. We, therefore, are asking Congress to keep these factors in mind when considering the Administration's security assistance request. Our FY 1991 request of $50 million provides the minimum funding needed to support important US (and regional) interests in Jordan.

In conclusion, I again want to stress that we continue to regard Jordan as a key friend in the region, and that we have no evidence of Jordanian involvement with Iraq along the line of the questions raised in your letter. We will continue to monitor closely the situation, and I assure you that appropriate actions will be taken with any country that is discovered assisting Iraq.

Sincerely,

HENRY S. ROWAN.

NEWS CONFERENCE OF HIS MAJESTY KING HUSSEIN OF JORDAN, JANUARY 19, 1991

King HUSSEIN: Ladies and gentlemen and friends, I must apologize for having been inaccessible to many of my friends here who have asked to see me during the last few days, but I felt it important to have this opportunity to do so now and to say now much we appreciate your being with us during these very difficult times in this phase of the life of the world and our region, which I believe will have a great impact on the future of people here in this region and in the world as a whole.

I am pleased that my brother, the Crown Prince, has been able to meet with many of you and to answer your questions, and I'm happy that you are with us here. I hope to the best of our ability that we will make you feel at home amongst your friends.

In this very serious crisis, I believe the media has played a role that was unprecedented in any that the world has passed through in the past. The crisis itself, in terms of the point that we have reached now, is at the very beginning of what we strove—myself, the government, and the people of Jordan—to avert and avoid from the very outset.

You will recall my involvement in the first few days of the crisis, that we secured an Iraqi commitment to withdrawal from Kuwait and positive response to attempt a mini Arab summit in Jeddah in Saudi Arabia to resolve the causes and reasons that brought about the events of the second of August of last year against the background of the problem that was first discussed at the Arab summit in Baghdad.

Unfortunately, every attempt and every effort to secure progress towards a peaceful solution to the problem with which I was involved was blocked and was scuttled and escalation grew with the resolution adopted by the foreign ministers of the Arab League, the Security Council's involvement, and the arrival of troops to the region. And the story since then is well known to you.

We have tried our utmost and, with any glimmer of hope, we will try again.

This area has suffered for long, suffered injustice, and the people of this area have been denied their right to live in peace and in security, which is their right and the right of generations to come. It has inflamed passions to live in an area in the region where two problems now exist—one 23 years old in terms of its recent history, and another a few months old, both characterized by territorial occupation and annexation, both addressed by the Security Council of the United Nations, and the United Nations, yet one still waiting with us and probably being the cause, the root cause, of instability in this region, and one which has brought this great coalition to place and use the most lethal modern concentration of equipment and men and materiel in modern times.

I've always regretted that this was the choice, as it would appear, of—of many, and (we are?) apparently living in a new era and a new world, entertaining the hopes for a new world order, and I firmly believe that such an order can only exist if all in this world contribute seriously to upholding the same principles and ideas in dealing with any problem, wherever it occurs.

So let us hope that somehow we can still see this world approach this onslaught and try to bring it to a close as people of good will to try what has not been tried yet adequately, the approach of dialogue and diplomacy, quiet diplomacy, to bring this crisis to a satisfactory conclusion to all concerned and to move away from it to another crisis that has been with us for many, many years and to finally address it and then hopefully to move in an atmosphere of peace towards the removal of weapons of mass destruction from this entire region, towards democracy and freedom, respect for human lives and human rights, peace and security for all. I hope that the present slide towards the tragic, disastrous and the unknown be halted as soon as possible.

Well, we here in Jordan are passing also through a very interesting phase of the life of this country and its people, enjoying freedom, enjoying democracy, and in the face of such a crisis that we have never lived through before, facing it together with clarity of vision, with a sense of responsibility, and without the usual measures that governments may feel they have to adopt under far less dangerous circumstances. Of course, our hope is that what we have achieved may be an inspiration and an example to others to

follow in the times to come, that somehow by some miracle we are able to turn the corner away from hatred and destruction and bloodletting towards peace in this region.

The alternatives are what I have pointed to time and again during these last months, and I am very, very deeply saddened to see and to live through my fears coming true or beginning to do so.

Anyway, rest assured that we are always and always be committed to the cause of peace, genuine peace that generations after us can accept and live with and perfect. The Arab world to which we belong, arab unity, relations based on mutual respect with the rest of the world and all in it—and true cooperation and openness. Rather than proceed any further with this talk to you, I will be more than glad and happy to answer any of your questions.

Q: (Off mike)—Are you calling for a temporary ceasefire at this time, and if so, what do you think that might accomplish considering the failure of previous diplomatic missions?

King HUSSEIN: Well, sir, with all due respect to whoever suggest that there was a real serious diplomatic effort, I would suggest that rather than go on this course any further, if the military actions could be brought to a halt, then maybe this would afford many of us the opportunity to really seriously try to seek efforts to get a solution, a diplomatic solution satisfactory to all against the background. This was attainable and was possible, even during the first 48 hours the part was open. But, unfortunately, soon thereafter it was shut. And I believe the effort that was put into the military option was infinitely greater than anything that happened on the diplomatic and political level.

Q: (Off mike)—is a view that hope, a possibility of a new diplomatic initiative that might bring this to an end if there is a ceasefire?

King HUSSEIN: I'm not speaking on anybody's behalf. And, on the other hand, regarding even the possibility of contact with Iraq, that hasn't been possible since the beginning of hostilities. But, I'm voicing my own view and that of my government, and certainly the whole of my people and, I'm certain, the people of good will everywhere.

Q: The Ambassador in France—in Paris said that Jordan was not part of this conflict. Does that mean that the King of Jordan and the people of Jordan has no sympathy for one or other camp?

King HUSSEIN: The people of Jordan and I have the greatest concern for the future as well as the present of this Arab world to which we belong. We have done everything we could in the past and we will never move away from our sense of responsibility to serve the cause of peace in this entire region to the best of our ability. My conscience, and I believe this is shared with the government and people of Jordan, it is clear we have tried everything that we could in the past. But we were blocked whenever we moved, and wherever we moved. And this did not happen from one side of the conflict only. It seems there was more emphasis on seeking a military option rather than letting diplomacy prevail to try to exhaust all possibilities of achieving a peaceful solution.

Q: (Cross talk)—and what will be the position of your (inaudible) in the case of Israel attack back through the (inaudible) states of Jordan?

King HUSSEIN: Sir, we have, as we drifted towards war, made it abundantly clear that this is a sovereign country and that we will defend our territory and air space against any possible incursion from any side to any conflict. Our means are limited, but we are determined to do whatever we can to ensure that our air space and land is not violated from any side to any conflict, and particularly during this very, very difficult point in time. That is our position and it is—has been so and will continue to be so.

Q:—do you a new quality of the aggression against Iraq and what's your point of view about the duties of European Community towards this new—(inaudible).

King HUSSEIN: I see that all members of the international community can either contribute towards averting disaster within the region, beyond the region, economically, ecologically and on the human dimension. And whoever does not do so will be involved in a way that will be judged by generations to come. And I believe it is the time to act and act quickly to avoid a further slide into the precipice.

Q: King Hussein, you have stated again that you will defend your airspace and your territory, do you expect that any action that you take in doing this could in fact result in Jordan being drawn into the war and drawing other Arab countries into the war?

King HUSSEIN: This is our territory and this is our responsibility and the skies above it. And we regret very, very much indeed that conditions have deteriorated to the point that they have. We are deeply saddened, not only by recent events but by all the events that erupted since the beginning of hostilities way short of having tried to achieve a political solution to the problem and a peaceful one. So, we cannot be people who duck and leave their skies to be used by any, because the right of one side to conflict to use it means the right of another. We have made it before the situation erupted the way it did. That with our means, all means available to us we will try to defend our sovereignty, our territory, our airspace to the best of our ability. And I believe that this is the only thing that you could do under the circumstances.

Q: Do you think Iraq has crossed your airspace on the way to hit Israel? In that case, have you filed any protests with Baghdad?

King HUSSEIN: As far as we are concerned I don't know, to my knowledge, airspace is——

(News conference, as broadcast on CNN interrupted for Defense briefing. End of all available audio.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FAWELL of Illinois (at the request of Mr. MICHEL), from 1 p.m. today and the balance of the week, on account of the death of his mother.

Mr. HAMMERSCHMIDT of Arkansas (at the request of Mr. MICHEL), from 4 p.m. today and for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS, for 5 minutes, today.
Mr. MAZZOLI, for 5 minutes, today.
Mrs. KENNELLY, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. OWENS of Utah, for 30 minutes, today.
Mr. MCCLOSKEY, for 60 minutes each day, on June 26 and 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. LOWEY of New York today just prior to the vote on the Bryant amendment, on H.R. 2508.

Mr. SCHUMER today in Committee prior to the vote on the Bryant amendment, on H.R. 2508.

Mr. CARDIN in Committee today just prior to the vote on the Bryant amendment, on H.R. 2508.

Mr. STALLINGS in the Committee today just prior to the vote on the Bryant amendment, on H.R. 2508.

Mr. TOWNS in the Committee today just prior to the vote on the Bryant amendment, on H.R. 2508.

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous matter:)

Mr. GOODLING in two instances.
Mr. SUNDQUIST.
Mr. COX.
Mr. CRANE.
Mr. MACHTLEY.
Mr. VANDER JAGT in two instances.
Mr. HEFLEY.
Mr. BALLENGER.
Mr. HANSEN.
Ms. MOLINARI.
Mr. SOLOMON in two instances.
Mr. GEKAS.
Ms. ROS-LEHTINEN in three instances.
Mr. KYL in two instances.
Mrs. MORELLA.
Mrs. VUCANOVICH.
Mr. PORTER.

(The following Members (at the request of Mr. DARDEN) and to include extraneous matter:)

Mr. ROWLAND.
Mr. RAHALL.
Mr. FASCELL in two instances.
Mr. HAMILTON in two instances.
Mr. VENTO in two instances.
Mr. ASPIN.
Mr. SCHUMER.
Mr. SHARP.
Mr. LIPINSKI.
Mr. EDWARDS of California.
Mr. HAMILTON.
Mr. STARK.
Mr. MONTGOMERY.
Mr. LEVINE of California.
Mr. DELLUMS.
Mr. MANTON.
Mr. TOWNS.
Mr. WILLIAMS.

ADJOURNMENT

Mr. OWENS of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Thursday, June 20, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose or evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 102d Congress, pursuant to the provisions of 2 U.S.C. 25:

JOHN W. OLVER, First District of Massachusetts.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1583. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize travel and transportation allowances for members of the uniformed services directed to perform overnight duty within the limits of their duty station at a location other than their residence or normal duty location in unusual or emergency situations; to the Committee on Armed Services.

1584. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-42, "The American College of Obstetricians and Gynecologists Revenue Bond Act of 1991", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1585. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-40, "National Children's Center, Inc., Revenue Bond Act of 1991", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1586. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-41, "The Abraham and Laura Lisner Home for Aged Women, Inc., Revenue Bond Act of 1991", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1587. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970 and for other purposes; to the Committee on Energy and Commerce.

1588. A letter from the Secretary of Defense, transmitting the semiannual report of the Office of Inspector General during the 6 months ending March 31, 1991, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750, 102 Stat. 2526); to the Committee on Government Operations.

1589. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1590. A letter from the Director, Office of Management and Budget, transmitting the fourth report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committee on Armed Services and Foreign Affairs.

1591. A letter from the Secretary of Energy, transmitting a copy of a report entitled "Pressurized Circulating Fluidized Bed Demonstration Project" proposed by Dairyland Power Cooperative and Iowa Power Inc.; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

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. YATES: Committee on Appropriations. H.R. 2686. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-116). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Rules. House Resolution 178. Resolution providing for the consideration of H.R. 429, a bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, WY (Rept. 102-117). 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. MILLER of California:

H.R. 2684. A bill to amend certain Federal Reclamation laws to improve enforcement of acreage limitations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YATES:

H.R. 2686. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. DANNEMEYER (for himself, Mr. CRANE, and Mr. ROHRABACHER):

H.R. 2687. A bill to provide for the development of a water market in the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELLUMS:

H.R. 2688. A bill relating to the tariff treatment of certain cloth used in the fabrication of articles for use in public or private religious observances; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 2689. A bill to make grants for demonstration and evaluation of educational programs that improve educational opportunities of children by providing parents and children with a choice in education; to the Committee on Education and Labor.

By Mr. GOODLING (for himself and Mr. BALLENGER) (both by request):

H.R. 2690. A bill to reauthorize the program for infants and toddlers with disabilities under part H of the Individuals with Disabilities Education Act, and for other purposes; to the Committee on Education and Labor.

By Mr. JEFFERSON:

H.R. 2691. A bill to prohibit discrimination by the States on the basis of nonresidency in the licensing of dental health care professionals, and for other purposes; to the Committee on Energy and Commerce.

Mrs. KENNELLY (for herself, Mrs. BOXER, Mr. RUSSO, Mr. DONNELLY, Mr. COYNE, Mr. LEVIN of Michigan, Mr. MOODY, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Mr. MCGRATH, Mr. RANGEL, Mr. JACOBS, Mr. FORD of Tennessee, Mr. JENKINS, Mr. DOWNEY, Mr. GUARINI, Mr. PEASE, Mr. DORGAN of North Dakota, Mr. ANDREWS of Texas, Mr. CRANE, Mr. SCHULZE, Mr. THOMAS of California, Mrs. BENTLEY, Mrs. BYRON, Mrs. COLLINS of Michigan, Mr. DARDEN, Ms. DELAURO, Mr. DURBIN, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mrs. LLOYD, Ms. LONG, Mrs. LOWEY of New York, Mrs. MINK, Ms. MOLINARI, Mrs. MORELLA, Ms. NORTON, Ms. PELOSI, Ms. ROS-LEHTINEN, Mrs. SCHROEDER, Ms. SLAUGHTER of New York, Mrs. UNSOELD, and Mr. CHANDLER):

H.R. 2692. A bill to amend title XVIII of the Social Security Act to repeal the limit on payment amounts for screening mammography under part B of the Medicare Program and to permit payment to be made under such part to a physician in whose office a screening mammography is performed; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. LEWIS of Florida (for himself and Mr. MINETA):

H.R. 2693. A bill to provide that receipts and disbursements of the Airport and Airway Trust Fund will not be included in the totals of the congressional budget or the budget of the U.S. Government as submitted by the President, to amend the Internal Revenue Code of 1986 to repeal certain increases made in aviation-related taxes, and for other purposes; jointly, to the Committees on Government Operations, Rules, Public Works and Transportation, and Ways and Means.

By Ms. NORTON:

H.R. 2694. A bill to amend title 11, District of Columbia Code, to remove gender-specific references; to the Committee on the District of Columbia.

By Mr. ROWLAND (for himself, Mr. BLILEY, Mr. FAZIO, Mr. THOMAS of Wyoming, Mr. ALLARD, Mr. TAYLOR of Mississippi, Mr. RAY, Mr. DARDEN, Mr. JONES of Georgia, Mr. JENKINS, Mr. THOMAS of Georgia, Mr. MOORHEAD, and Mr. HALL of Texas):

H.R. 2695. A bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STARK:

H.R. 2696. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for expenses in connection with the cutting of old-growth redwood timber which is a nonrenewable resource and to impose an excise tax on the cutting of such timber; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself and Mr. COLEMAN of Missouri):

H.R. 2697. A bill to amend title V of the Higher Education Act of 1965 to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Education and Labor.

By Mr. DELLUMS:

H.J. Res. 277. Joint resolution to designate the 10-year period beginning January 1, 1992, as the National Decade of Historic Preservation; to the Committee on Post Office and Civil Service.

By Ms. NORTON (for herself, Mrs. MORELLA, Mr. MORAN, Mr. WOLF, Mr. MCMILLEN of Maryland, and Mr. HOYER):

H.J. Res. 278. Joint resolution designating July 4, 1991, as "July 4th Family Celebration Day"; to the Committee on Post Office and Civil Service.

By Mr. RITTER (for himself, Mr. STENHOLM, Mr. LEVINE of California, Mr. BENNETT, Mr. BACCHUS, Mr. ROHRABACHER, Mr. FUSTER, Mr. BLAZ, Mr. MURPHY, and Mr. LAGOMARSINO):

H. Con. Res. 170. Concurrent resolution to commend Boris Nikolaevich Yeltsin, President-elect of the Russian Republic, for his leadership on behalf of democratic, pluralistic, and free-market principles; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. GILMAN, and Mr. ACKERMAN):

H. Con. Res. 171. Concurrent resolution expressing the sense of the Congress relating to the rescue of approximately 14,000 Ethiopian Jews from Ethiopia to Israel, and to the current famine in Ethiopia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

By Mr. LAUGHLIN introduced a bill (H.R. 2685) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade in the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. REGULA and Mr. MURPHY.

H.R. 193: Mr. PORTER.

H.R. 516: Mr. SERRANO.

H.R. 709: Mr. AUCOIN, Mr. DEFAZIO, Mr. SANTORUM, and Mr. PAYNE of New Jersey.

H.R. 713: Mr. JONES of Georgia and Mr. BARNARD.

H.R. 784: Mr. ORTON, Mrs. JOHNSON of Connecticut, and Mr. BOUCHER.

H.R. 830: Mr. BEILENSON.

H.R. 954: Mr. LEHMAN of Florida and Mr. FOGLIETTA.

H.R. 956: Mr. LEHMAN of Florida and Mr. FOGLIETTA.

H.R. 958: Mr. LEHMAN of Florida, Mr. FOGLIETTA, Mrs. MORELLA, and Mr. WISE.

H.R. 1048: Mr. CRAMER.

H.R. 1067: Mr. ANDREWS of New Jersey, Mr. EDWARDS of California, Mr. WHEAT, Mr. KOLBE, Mr. HOBSON, Ms. OAKAR, Mr. LEHMAN of Florida, Mr. HUTTO, Mr. THOMAS of Georgia, Mr. RIGGS, Mr. PETERSON of Florida, Mr. VOLKMER, Mr. STAGGERS, Mr. FROST, Mr. WISE, Mr. TAYLOR of North Carolina, and Mr. MARLENEE.

H.R. 1080: Mrs. MEYERS of Kansas.

H.R. 1130: Mr. CHAPMAN, Mr. PENNY, Mr. WISE, Mr. VISCLOSKY, and Ms. NORTON.

H.R. 1134: Mr. GORDON.

H.R. 1147: Mr. BUNNING, Mr. HUGHES, Mr. TORRES, Mr. FRANKS of Connecticut, Mr. DE LUGO, and Mr. REGULA.

H.R. 1218: Mr. PAYNE of New Jersey.

H.R. 1226: Mr. ANDREWS of Maine.

H.R. 1245: Mr. BUNNING, Mr. BREWSTER, Mr. LEWIS of Florida, Mr. TAYLOR of Mississippi, Mr. RITTER, Mr. HOUGHTON, Mr. NEAL of Massachusetts, Mr. BAKER, Mr. UPTON, Mr. HERGER, Mr. SAXTON, Mr. MCGRATH, Mr. SPRATT, Mr. WEISS, Mr. RAVENEL, Mr. SMITH of Iowa, Mrs. VUCANOVICH, Mr. MILLER of Ohio, Mr. PICKETT, Mr. WASHINGTON, Mr. STAGGERS, Mr. ROGERS, Mr. SISISKY, and Mr. PAYNE of Virginia.

H.R. 1251: Mr. RANGEL.

H.R. 1252: Mr. RANGEL.

H.R. 1253: Mr. RANGEL.

H.R. 1300: Mrs. BOXER.

H.R. 1346: Mr. COLEMAN of Texas and Mr. GRAY.

H.R. 1364: Mr. MINETA, Mr. DELLUMS, Mrs. LOWEY of New York, Mr. LANTOS, and Mr. GEJDENSON.

H.R. 1365: Mr. HAYES of Illinois and Mr. GEJDENSON.

H.R. 1414: Mr. SHUSTER.

H.R. 1417: Mr. MCDERMOTT.

H.R. 1418: Mr. LIPINSKI.

H.R. 1432: Mr. EVANS.

H.R. 1450: Mr. HOYER, Mr. DE LA GARZA, and Mr. GRANDY.

H.R. 1454: Mr. RAHALL, Mr. BROWN, Mr. VALENTINE, and Mr. WISE.

H.R. 1472: Mr. GILLMOR, Mr. MONTGOMERY, Mr. SPENCE, Mr. WILLIAMS, Mr. CAMPBELL of California, Mr. GUNDERSON, Mr. SLAUGHTER of Virginia, Mr. EARLY, Mr. KENNEDY, Mr. ROHRABACHER, Mr. VISCLOSKY, Mr. HOPKINS, Mr. REED, Mr. WYLIE, and Mr. GALLO.

H.R. 1481: Mr. ECKART and Mr. MOORHEAD.

H.R. 1495: Mr. PETERSON of Florida, Mr. MILLER of Ohio, Mr. VANDER JAGT, and Mr. HAMMERSCHMIDT.

H.R. 1503: Mr. PARKER, Mr. BLILEY, Mr. MFUME, Mr. BROWN, Mr. SERRANO, Mr. PICKETT, Mr. RAHALL, Mr. JEFFERSON, Mr. DIXON, Mr. WISE, Mr. EVANS, Mr. MCMILLEN of Maryland, and Mr. SISISKY.

H.R. 1516: Mr. JONTZ, Mr. WEBER, Mr. ARMEY, and Mr. HERGER.

H.R. 1539: Ms. LONG, Mr. POSHARD, Ms. MOLINARI, Mr. MINETA, Ms. NORTON, and Ms. KAPTUR.

H.R. 1605: Mr. LEHMAN of Florida and Mr. FOGLIETTA.

H.R. 1633: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. OBERSTAR, Mr. PAYNE of New Jersey, Mr. RAVENEL, and Mr. REED.

H.R. 1653: Mr. ANDREWS of Maine, Mr. HOLLOWAY, Mr. BILIRAKIS, Mr. HAYES of Louisiana, Mr. MILLER of Ohio, Mr. NICHOLS, Mr. STENHOLM, Mr. SERRANO, Mr. WILSON, and Mr. KLUG.

H.R. 1669: Mr. ENGLISH.

H.R. 1751: Mr. PERKINS.

H.R. 1777: Mr. STARK and Mr. BUSTAMANTE.

H.R. 1860: Mr. GILLMOR, Mr. WILLIAMS, Mr. VALENTINE, and Mr. MCCLOSKEY.

H.R. 1900: Mrs. COLLINS of Michigan, and Mrs. LOWEY of New York.

H.R. 1920: Mr. SHAYS.

H.R. 1921: Mr. SHAYS.

H.R. 2027: Mr. WEBER.

H.R. 2031: Mr. HAYES of Illinois, Mr. SWIFT, Mr. PERKINS, Mr. BARRETT, and Mrs. UNSOELD.

H.R. 2059: Mr. LEWIS of California, Mr. MRAZEK, Mr. HYDE, Mr. HORTON, and Mr. DEFAZIO.

H.R. 2063: Mr. POSHARD.

H.R. 2143: Mr. RHODES.

H.R. 2152: Mr. JONES of Georgia.

H.R. 2157: Mr. JACOBS, Mrs. PATTERSON, Mr. Fazio, Mr. WALSH, Mr. GORDON, Mr. SKELTON, Mr. SERRANO, Mr. ACKERMAN, Mr. EVANS, Mr. NOWAK, Mr. SMITH of Florida, Mr. BONIOR, Mr. DOOLEY, Mr. BRUCE, Mr. RAMSTAD, Mr. PETERSON of Minnesota, Mr. BUSTAMANTE, Mr. ANNUNZIO, Mr. LEWIS of California, Mr. WEBER, Mr. HAYES of Illinois, Mr. VOLKMER, Mr. CLAY, Mr. RUSSO, Ms. WATERS, Mr. DOWNEY, Ms. NORTON, and Mr. ERDREICH.

H.R. 2200: Mr. PACKARD.

H.R. 2212: Mr. OLIN, Mr. CONYERS, Mrs. LOWEY of New York, Mr. LIPINSKI, Mr. MRAZEK, and Mr. OWENS of New York.

H.R. 2258: Mr. BOUCHER, Ms. KAPTUR, Mr. MRAZEK, and Mr. REED.

H.R. 2299: Mr. PAYNE of New Jersey, Mrs. BOXER, Mr. MCDERMOTT, Mrs. KENNELLY, Mr. SERRANO, Mrs. UNSOELD, and Mr. MACHTLEY.

H.R. 2303: Mr. ESPY and Mrs. LOWEY of New York.

H.R. 2309: Mr. ACKERMAN, Mr. JEFFERSON, Mr. MARTIN, Mr. QUILLEN, Mr. RANGEL, and Mr. SCHEUER.

H.R. 2361: Mr. DE LA GARZA.

H.R. 2374: Mr. NOWAK.

H.R. 2488: Mr. JONTZ.

H.R. 2489: Mr. MACHTLEY, Ms. NORTON, and Mrs. UNSOELD.

H.R. 2540: Mr. DELLUMS, Mr. LEHMAN of Florida, Mr. WYDEN, Mr. LEACH, and Mr. EDWARDS of California.

H.R. 2541: Mr. DELLUMS, Mr. WYDEN, Mr. LEACH, and Mr. EDWARDS of California.

H.R. 2546: Mr. PAXON, Mr. MURPHY, Mr. MCGRATH, Mr. SUNDQUIST, Mr. DAVIS, Mr. HOUGHTON, Mr. DORNAN of California, Mr. ANDREWS of Texas, Mr. SARPALIUS, Mr. MARTINEZ, Mr. STENHOLM, Mr. BUSTAMANTE, and Mr. THORNTON.

H.R. 2553: Mr. RAMSTAD, Mr. NICHOLS, Mr. DANNEMEYER, Mr. OWENS of Utah, Mr. BUNNING, and Mr. KASICH.

H.R. 2584: Mr. STAGGERS.

H.R. 2590: Mr. ROYBAL, Mr. FOGLIETTA, Mr. DE LUGO, Mr. SERRANO, and Mr. LAFALCE.

H.R. 2604: Mr. SOLOMON, Mr. SANTORUM, Mr. PETERSON of Florida, Mr. ALLARD, Mr. HYDE, Mr. RIGGS, Mr. ROHRABACHER, Mr. DREIER of California, Mr. KASICH, Mr. THOMAS of Wyoming, Mr. MCCOLLUM, and Mr. HAYES of Louisiana.

H.J. Res. 19: Mr. IRELAND and Mr. ROWLAND.

H.J. Res. 23: Mr. BACCHUS, Mr. BILIRAKIS, Mr. COUGHLIN, Mr. COYNE, Mr. GILCHREST, Mr. GUNDERSON, Mr. JENKINS, Mr. KILDEE, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. MCCRERY, Mr. MACHTLEY, Mr. MAZZOLI, Mr. MORAN, Mr. REGULA, Mr. RIDGE, Mr. ROEMER, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mr. STOKES, Mr. WALSH, Mr. WILSON, and Mr. VISCLOSKY.

H.J. Res. 95: Mr. PANETTA, Mrs. MINK, and Mr. ORTON.

H.J. Res. 233: Mr. BARNARD, Mr. HATCHER, Mr. BLAZ, and Mr. PAYNE of New Jersey.

H. Con. Res. 88: Mr. DONNELLY.

H. Con. Res. 89: Mr. RANGEL.

H. Con Res. 144: Mr. LEHMAN of Florida, Mr. GRAY, Mr. FOGLIETTA, Mr. CLINGER, Mr. GALLO, Mr. WHEAT, Mr. BEILENSON, Mr. YAT-

RON, Mr. SABO, Mr. DWYER of New Jersey, Mr. AUCOIN, Mr. TRAFICANT, and Ms. MOLINARI.

H. Con. Res. 145: Mrs. UNSOELD and Ms. PELOSI.

H. Con. Res. 163: Mr. PERKINS, Mr. HUGHES, Ms. NORTON, Mrs. COLLINS of Michigan, and Mr. ABERCROMBIE.

AMENDMENTS

Under a clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 429 (Reintroduced today H.R. 2684

By Mr. RIGGS.

—At the end of the bill (page , after line), add the following new title:

TITLE XXX—TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT

SEC. 3001. INSTREAM RELEASES FROM THE TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT, FOR FISHERY RESTORATION AND FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.

(a) INSTREAM RELEASES.—In order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe, and to achieve the fishery restoration goals of the Act of October 24, 1984 (98 Stat. 2721, Public Law 98-541), for water years 1992 through 1996, the Secretary of the Interior, through the Trinity River Division of the Central Valley Project, shall provide an instream release of water to the Trinity River for the purposes of fishery restoration, propagation, and maintenance of not less than 340,000 acre feet per year. For any water year during this period for which the forecasted inflow to the Central Valley Project's Shasta Reservoir equals or exceeds 3,200,000 acre feet, based on hydrologic conditions as of June 1 and an exceedance factor of 50 percent, the Secretary shall provide an additional instream fishery release to the Trinity River of not less than 10 percent of the amount by which forecasted Shasta Reservoir inflow for that year exceeds 3,200,000 acre feet.

(b) COMPLETION OF STUDY.—By September 30, 1996, the Secretary, with the full participation of the Hoopa Valley Tribe, shall complete the Trinity River Flow Evaluation Study currently being conducted by the United States Fish and Wildlife Service under the mandate of the Secretarial Decision of January 14, 1981, in a manner which insures the development of recommendations, based on the best available scientific data, regarding permanent instream fishery flow requirements and Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery.

(c) STUDY RECOMMENDATIONS. Not later than December 31, 1996, the Secretary shall forward the recommendations of the Trinity River Flow Evaluation Study, referred to in subsection (b) of this section, to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate. If the Secretary and the Hoopa Valley Tribe concur in these recommendations, any increase to the minimum Trinity River instream fishery releases established in subsection (a) and the operating criteria and procedures referred to in subsection (b) shall be implemented accordingly. If the Hoopa Valley Tribe and the Secretary do not concur, the minimum Trinity River instream fishery releases established in subsection (a) shall remain in effect unless increased by an Act of Congress, appropriate judicial decree, or agreement between the Secretary and the Hoopa Valley Tribe.

EXTENSIONS OF REMARKS

INTERNATIONAL MERGERS AND ACQUISITIONS REVIEW ACT OF 1991

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. SHARP. Mr. Speaker, on June 12 I introduced H.R. 2631, the International Mergers and Acquisitions Review Act of 1991. Enactment of this legislation will allow us to more logically monitor and, when necessary, regulate transnational mergers, joint ventures and takeovers.

The premise of H.R. 2631 is straightforward: the United States has a vital interest in effectively monitoring and, if need be, regulating global firms that, even though they may be located outside our borders, have significant commerce and economic impact within the U.S. market. Most concerns that do arise from global business combinations are related to possible concentrations or cartel-like behavior, which are best managed by application of antitrust principles. A much smaller class of takeovers or mergers might raise legitimate national security issues; these are best investigated under clearer Exon-Florio processes. The bill simply channels premerger notifications of such business combinations to their logical regulatory domains.

The globalization of commerce is increasing, and the trend is likely to continue. This phenomena has been generally beneficial to Americans—bringing new and improved technologies and affordable, higher-quality goods to more and more consumers. But global firms—through strategic alliances, keiretsu industrial cartels, mergers, or takeovers—may also unfairly control technology, prices, products, suppliers, and distributors, and thus restrict fair competition through abuse of market concentrations. As Members of Congress, we are right to be concerned about the potential for collusive, anticompetitive or monopolistic behavior of businesses—whether they are physically located here or abroad.

In addition to this antitrust concern, there are legitimate, but substantively different, concerns that exist for a narrower class of companies which are engaged in commerce in the defense industrial base of the United States. Especially as U.S. defense spending ratchets down, we must be alert to the creation of unwise monopolies and sole-source suppliers arising from takeovers and mergers in these critical industries.

Many Members of Congress thought that with the enactment of the Exon-Florio provision in 1988, the Federal Government would have an effective and permanent means of monitoring and when warranted regulating transnational mergers, acquisitions and joint ventures that raised broad national security issues. Senator J. JAMES EXON and then-Representative Jim Florio had the wisdom to recognize the possible risks to U.S. national security when they fought for this amendment in the 1988 Omnibus Trade and Competitiveness Act.

Now, however, Exon-Florio authority has lapsed; and the inherent ambiguity in defining "national security" has led to less than clear rules and predictable results. Further, after nearly 3 years, the real-world experience with Exon-Florio, and the continued intense debate on its efficacy, suggests that some changes are necessary.

Many transnational mergers, acquisitions and joint ventures voluntarily noticed under Exon-Florio may not fall under commonly accepted definitions of "national security," but such business combinations might well raise other concerns, such as antitrust. It is the antitrust, or competition, concern that is the more broad and typical, and the national security concern that is the more narrow and less predominant; yet, it makes sense to provide linkages between the two regulatory domains. In this way, potential threats to our economic welfare and our national security can be monitored and efficiently regulated by either or both sets of competencies, operating independently.

A report published May 5, 1991, by the Organization for Economic Cooperation and Development [OECD] warned that the rapid pace of technological advance is creating new problems for policymakers everywhere. The OECD report cautioned that the spread of technology-based multinational firms in the absence of effective competition policies poses the danger of worldwide cartels between global companies. Dr. Theodore H. Moran, professor of international business at Georgetown University's School of Foreign Service, testified recently before a House Energy and Commerce Subcommittee that it is the concentrative aspects of foreign direct investment that warrant careful examination, and that "there is a useful empirical finding from antitrust studies that can provide a guideline for policy." I am entering the full text of Dr. Moran's testimony for the RECORD.

H.R. 2631 would give U.S. policymakers enhanced tools of discovery and regulation to confront the challenges of the globalization of business. The bill provides a firm link between maintenance of our economic welfare, which is safeguarded by antitrust policies, and preservation of our national security, which is the promise of Exon-Florio. The bill asserts that when firms of any nation exceed a level of commerce in the United States, then we have a right to require detailed commercial, financial, and market information from them should they decide to combine in some way. This is the same kind of requirement that the European Commission, through its mergers regulation, places on U.S. companies whose combined sales within the EC exceeds the 250 million Ecu "community dimension" threshold. And the bill urges the President to move on the recommendation of numerous experts and the OECD study by commencing negotiations with other nations on an international antitrust accord.

By providing a linkage between the Hart-Scott-Rodino premerger notification requirement of the Clayton Antitrust Act and the Exon-Florio provision that provides for reviews and investigations of foreign direct investments which may credibly threaten the national security, H.R. 2631 yields a comprehensive framework that neither Exon-Florio nor antitrust can alone provide.

The bill makes the Hart-Scott-Rodino mandatory premerger notice the single starting point. With a focus on the national security aspects of transnational combinations, an interagency national security liaison committee, consisting of senior experts from the Departments of Commerce, Defense, State and Treasury, reviews in tandem with antitrust regulators at the Federal Trade Commission all Hart-Scott-Rodino notifications.

In addition to the normal antitrust notification thresholds already set by Hart-Scott-Rodino, H.R. 2631 establishes clear and precise national security triggers. If a firm has a classified contract with the U.S. Government; if it is required to register with the Secretary of State pursuant to section 38 of the Arms Export Control Act; if it has technology or engages in commerce falling under section 5 of the Export Administration Act; if it engages in any activity requiring a license under the Atomic Energy Act: then any merger, takeover or combination with another entity must be noticed, and the reasons for filing stated. Further, if the foreign entity is from a "country of concern" as defined by the Export Administration Act or from a nation found to have "repeatedly provided support for acts of international terrorism" under section 6(j) of that act, such foreign investments must give notice.

When a person filing under Hart-Scott-Rodino falls under any of these national security categories, the liaison committee refers the transaction to the Committee on Foreign Investment in the United States [CFIUS], and a full investigation is mandatory. The liaison committee has discretionary authority to send to CFIUS any other transaction which does not fit these precise criteria; in this instance, CFIUS by a simple majority vote determines whether an investigation is warranted. Because the bill allows both antitrust and national security investigators to work independently from the same Hart-Scott-Rodino filing, those transactions that raise concerns in both antitrust and national security domains can proceed in parallel. Exon-Florio timeframes have been harmonized with those of Hart-Scott-Rodino so that a case enters and exits both processes at the same points in time.

H.R. 2631 gives the President explicit additional authority under Exon-Florio. Under the bill, the President has the power to structurally precondition a merger or acquisition so that

the national security concern is addressed. Structural preconditioning, unlike performance requirements that seek to modify a firm's behavior after the merger, avoids the pitfalls of continually monitoring the conduct of a firm, and allows the President to choose out-comes between "no" and "yes."

H.R. 2631 also addresses a serious institutional concern about Exon-Florio that many Members of Congress have: its lack of transparency and accountability. In advance of the President's final determination, the bill allows the House and Senate Select Committees on Intelligence, meeting in executive session, to receive classified oral briefing on a case for which CFIUS has concluded an investigation.

The Intelligence Committees' record on confidentiality on the most sensitive issues is well-established, and its members can and should be entrusted with Exon-Florio information so clearly relevant to the Nation's security. So that other Members of Congress and the American public can better understand how the CFIUS functions, the bill requires an annual public report on CFIUS investigations. The report, however, fully safeguards confidential business information and national security secrets through procedures successfully used by the British Monopolies and Mergers Commission in its merger and acquisition reports to Parliament.

Mr. Speaker, H.R. 2631 will direct detailed information on transnational mergers, acquisitions and joint ventures to their logical regulatory domains, where these transactions' potential effects on U.S. economic welfare and national security can be examined and dealt with comprehensively and independently. I urge Members on both sides of the Aisle to support it.

TESTIMONY OF THEODORE H. MORAN BEFORE THE COMMERCE, CONSUMER PROTECTION AND COMPETITIVENESS SUBCOMMITTEE OF THE HOUSE ENERGY AND COMMERCE COMMITTEE, JUNE 12, 1991[1]

Thank you for inviting me to be here today.

My testimony can be summarized in three points:

First, while the positive aspects of foreign direct investment in the United States outweigh the negative (in general) by a very large margin, there are genuine national security threats associated with foreign investment which the members of this subcommittee, and the members of Congress as a whole, cannot ignore.

Second, these "genuine" national security threats spring from instances where foreign acquisitions of U.S. companies take place in industries where external suppliers are extremely concentrated. In this context today's debate about changes in the Exon-Florio Amendment to address the concentration problem are even more important than the debate about the original Exon-Florio Amendment was.

Third, a proliferation of restrictions on flows of technology and capital (as well as goods and services) around the world also carries dangers for America's national security and national welfare. The "strengthening" of the Exon-Florio Amendment should therefore be focused narrowly on those cases where foreign suppliers pose a credible threat to U.S. interests because of their monopolistic structure, and not be allowed to interrupt foreign investment more broadly.

The first point requires some elaboration: most economists will tell this subcommittee that the welfare of the United States is enhanced by the innovations and management techniques, as well as the investment capital, that foreign companies bring to increase the productivity of our economy. I strongly associate myself with this positive stance toward direct foreign investment in the United States (similarly we should all urge Mexico, for example, to adopt an equally welcoming approach toward direct foreign investment).

But where some economists err is by not recognizing that there are legitimate national security exceptions to this generally affirmative posture toward inward investment. These exceptions occur when foreign suppliers can threaten to deny a continuous flow of those goods, services, or technology to users in the United States; to be more precise, when foreign suppliers can use their market power to delay, place conditions on, exercise blackmail through, or ultimately withhold the goods, services, or technology upon which we have become dependent.

These are not merely hypothetical apprehensions. There is a rich history of attempts by one government or another to influence the sovereign activities of other nations via extraterritorial directives to the overseas affiliates of the firms headquartered in the first government's territory. The U.S. itself has attempted to exercise such coercive power: recall the instructions of American authorities to IBM to have its French subsidiary withhold computer technology from France in the 1960s to inhibit De Gaulle's development of an independent nuclear deterrent, or, more recently, the Reagan Administration's unilateral and retroactive order to the European subsidiaries of Dresser Industries and General Electric to cancel their contracts to supply technology for the Soviet gas pipeline. Other countries have shown a similar propensity to use their international companies as vehicles for external diktat. It is worrisome to contemplate that our country may increasingly be on the receiving end of such extraterritorial mandates, especially when the White House and the Defense Department are reporting other nations to be in the lead in a rising number of critical technologies.

Our future could hold a growing number of experiences like the Kyocera case, in which MITI (under pressure from Socialist members of the Japanese Diet) forced Dexcel, the American subsidiary of Kyocera, to withhold its advanced ceramic technology from the U.S. Tomahawk missile program. Ironically, with the decline of Cold War solidarity, an expanding number of political groups in the parliaments of our allies may enjoy increasing leeway to deny technology or set conditions upon its use in the decades to come.

What should the United States do about this? How can we translate concerns about these legitimate threats to our national interests into the most appropriate public policy toward inward foreign investment in the United States?

To answer these questions brings me to the second point above, that the Amendments being considered by the subcommittee today constitute a conceptual breakthrough in their emphasis on the problem of concentration.

It is important to note that the possibility of denial, delay, blackmail, or manipulation via home country directives to the subsidiaries of foreign companies in the United States is not synonymous with dependence on foreign suppliers per se but only with dependence on concentrated foreign suppliers, where substitutes are few, the lead-time to develop alternatives is long, and stockpiling is not feasible.

To give an example, the members of this subcommittee frequently hear the argument that because American soldiers march in boots the United States has a national security interest in keeping a prosperous domestic footwear industry in American hands on American soil. But the suppliers of footwear are so dispersed internationally (and stockpiling is a relatively easy option were it deemed necessary) that foreign suppliers could never credibly threaten to cut America off. Thus protecting American footwear companies and/or blocking foreign acquisition of American footwear firms via a "strengthened" version of Exon-Florio would make no sense; it would merely force the Defense Department, the American taxpayers, and the American public to pay more for their footwear.

One can extend this argument to more difficult, and controversial cases, such as the machine tool industry. Here one finds that for most segments of the industry external suppliers are dispersed and competitive. There is no credible threat of denial; the practice of granting blanket protection to such segments of the machine tool industry and/or preventing foreign acquisitions only saddles the American users of machine tools with higher costs and inferior products (so do Buy American provisions). There are, however, some narrow segments of the machine tool industry where suppliers are extraordinarily concentrated (multi-axis cutters and grinders, or non-metallic fabricators, may be examples). For these narrow segments a case can be made that dependence on foreigners could be dangerous because a potential for external denial, delay, blackmail, or manipulation does exist.

Similarly the suppliers of advanced lithography equipment to imprint circuit patterns on silicon waters on the semiconductor industry ("steppers") are so few in number that they exercise quasi-monopoly power. The acquisition of an American stepper manufacturer by a foreign company would open the door to a kind of dependence for the United States that could be preyed upon by the parent corporation or the parent corporation's government.

This brings me to the third point above: The challenge for this subcommittee is to devise an appropriate policy toward acquisitions of U.S. firms by outsiders where global markets are dominated by tight foreign monopolies or oligopolies.

To accomplish this, there is a useful empirical finding from anti-trust studies that can provide a guide for policy: if the largest four firms (or four countries) control less than fifty percent of the market, they lack the ability to collude effectively even if they wish to exploit or manipulate recipients. If they control more than fifty percent of the market, they do hold the potential to coordinate denial, delay, blackmail, or manipulation. This "four-four-fifty rule" provides an objective test of whether a genuine threat to national security exists.[2]

[1] Theodore H. Moran is Karl F. Landegger Professor and Director, Program in International Business Diplomacy, School of Foreign Service, Georgetown University, and Senior Associate, Business Executive for National Security. This testimony draws on a study of "Defense Implications of Industrial Globalization," being prepared for Business Executive for National Security.

[2] For more detailed analysis see Theodore H. Moran, "The Globalization of America's Defense Industries: Managing the Threat of Foreign Depend-

The use of a concentration measure offers a simple and effective method to strengthen the Exon-Florio Amendment: if a foreign acquisition is proposed in an industry where concentration is higher than four companies or four countries supplying fifty percent of the global market, the U.S. government should impose performance requirements on the acquiring firm to ensure the retention of production and R&D facilities in the United States; if a foreign acquisition is proposed in an industry where concentration is lower than four companies or four countries supplying fifty percent of the global market, the U.S. government should approve the acquisition without conditions.

As a last resort, if the U.S. government fails to obtain performance requirements for domestic R&D and production sufficient to render the threat of denial implausible, American authorities can block the acquisition. Such an action should rightly be considered a least desirable outcome, since it in effect requires the U.S. firm to remain in business and many require a tariff or a subsidy to accomplish.

One should note that a measurement of concentration in the global market is the appropriate standard. As in the footwear example discussed previously, there is no genuine national security threat if foreign suppliers are dispered even if the proposed acquisition is the last remaining U.S. company.

Most important, this concentration test obeys the "Golden Rule" of economic policy; that is, it has the virtue of being a policy approach that the United States can live with if we find other nations employing the same standard for acquisitions in their own countries (an objective measurement would be a great improvement over the vague and subjective national security grounds for rejecting acquisitions currently employed in Europe and Asia). From a technical point of view the "four-four-fifty rule" can be translated into a Herfindahl index measurement compatible with the merger and acquisition guidelines of the U.S. Justice Department. (Any concentration test of course counts all related corporate entities as a single firm, thus avoiding the possibility that companies with shared stock ownership and management like a Japanese keiretsu might be misrepresented as multiple independent firms.)

Finally, let me point out that strengthening the Exon-Florio Amendment via a concentration test avoids throwing the United States Congress once again into a debate over industrial policy. The approach recommended here does not depend upon the dubious ability of government bureaucrats to pick winners and losers better than the market. Instead it is based on established principles of aversion to monopoly or oligopoly power which have always guided the American preference for free markets.

ence," International Security, Summer 1990 (Vol. 15, No. 1).

A TRIBUTE TO DIANA SILIEZAR

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to rise today and congratulate Diana Siliezar, of Providence, RI, this years recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Mount Pleasant High School in Providence, RI.

This award is presented to the student chosen by Mount Pleasant High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Diana Siliezar has more than fulfilled this criteria. She has participated in a host of volunteer activities. She has been a volunteer at Blackstone Shelter, and Mount Pleasant for Peace. She has also assisted at Roger Williams Hospital, Rhode Island Hospital, and Charlesgate Nursing Home.

I commend Diana Siliezar on her outstanding achievements and wish her all the best in her future endeavors.

NICARAGUA: WHAT NEEDS TO BE DONE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. FASCELL. Mr. Speaker, Nicaragua is a country in the midst of a difficult passage. The lection of the Chamorro government was a towering achievement that moved the world and gave rise to great expectations for Nicaragua's future. However, turning around a country devastated by 8 years of economic mismanagement, political turmoil, and civil disorder is a tall order. It is going to require discipline, good management, and the support of Nicaragua's friends.

We have come a long way since the Sandinista years. There is a democratically elected government in Managua; the people enjoy freedom of expression and other basic human rights that were virtually suspended for 8 years; and the educational system is being purged of Marxist-Leninist dogma. The government has demonstrated that it recognizes the need for economic reform and the people, through their elected representatives, have shown a willingness to support it.

However, a very serious problem remains—the continuation of Sandinista power and influence in nearly every aspect of Nicaraguan life and every important Nicaraguan institution. Because of this, progress, especially serious economic reform, is going to be slow and difficult. We are going to have to accept that this government—at this moment—is simply not going to be able to do it all.

What we must hope for is that if we both support the Chamorro government, and keep up the pressure on the Sandinistas, incremental progress will spawn more progress. For every step forward, the government will be able to risk a bit more.

The Nicaraguan community in the United States is eager to play a supportive role in bringing about constructive change in Nicaragua. I commend to our colleagues the remarks of a prominent member of that community, Mr. Jorge Tefel:

REMARKS BY MR. JORGE TEFEL

On behalf of the Board of Directors of the Nicaraguan American Bankers & Businessmen Association (NABBA), it is an honor and a distinct privilege to welcome the Honorable Congressmen Dante Fascell, our honorable Nicaraguan Consul in Miami Mario Sacasa and his wife, Lidia, Dr. Horacio Aguirre, Dr. Adolfo Calero and his wife Mary and other distinguished personalities.

Tonight, we are very grateful and optimistic! Grateful to this land, the United States of America, because we see so many talented exiles—men and women—from different walks of life—who have become successful and productive members of this community. Unfortunately, our impoverished Nicaragua is in desperate need of human capital, economic aid, technical assistance, and most important, immediate changes and fundamental reforms for economic development to take the place of stagnation.

Tonight, we challenge Nicaraguans to keep-on struggling for ways to help our country despite early disillusions and enormous frustration * * * We also challenge the Chamorro Administration to take the exiled community into account, to pay attention to the Superior Council of Private Enterprises—COSEP—and to implement "real" reforms in Nicaragua.

The Nicaraguan government should come closer—rather than distance itself from the political forces that brought it to power. The alliance between the Ortegas and Antonio Lacayo, the ongoing appeasement of the Sandinistas through permissiveness and sanctioning of stolen properties and backroom dealing and the like * * * must come to an end!!

The Sandinistas have a "de facto" control over the country. They run the armed forces, the courts, customs, the police, and the list goes on * * * and on * * * and on * * * and that must come to an end!!!

The fact that Nicaragua is the only country in the Americas—with the exception of Cuba—where the title to property can change without the knowledge and authorization of, and compensation to its rightful owner * * * must come to an end as well * * *. Who would invest in Nicaragua, if private property changes hands in that manner!

Let's stop for a moment! * * * Let's consider what will it take to rebuild the country? To Make Nicaragua a productive nation again!

We only *pray* the Chamorro management team is enlightened enough to take immediate steps to:

1) Create an impartial, competent and just system of law and order;

2) Abolish all Sandinistas decrees enacted after February 15, 1990 for the purpose of legalizing their thievery and modus operandi;

3) Strengthen the democratic and political institutions;

4) Assure and re-establish respect for and protection of basic human rights and private property;

5) Return all illegally confiscated properties to their rightful owners—beginning with the ones controlled by the current government;

6) Transform the armed forces into apolitical bodies govern by civilian rule; and to

7) Allow all Nicaraguan exiles through-out the world to exercise their right to vote.

We understand it is difficult, but by just taking these initial steps, the government can create the adequate atmosphere to reactivate the economy and build confidence in the country * * * and eventually * * * attract much needed foreign investors.

Let's work together!!! We ought to be optimistic—because we have the capacity, the disposition, the desire and the friends to rebuild our Beloved Nicaragua.

FOURTH DISTRICT'S KNIGHTS AND LADIES DISPLAY HISTORICAL KNOWLEDGE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. RAHALL. Mr. Speaker, the 1991 Knights and Ladies of the Golden Horseshoe have once again been announced and they are all to be commended. This esteemed award has been given to a whopping 41 eight grade students in West Virginia's Fourth District this year.

The "Transmontane Order of the Knights of the Golden Horseshoe" was originally established in 1716 by Gov. Alexander Spotswood when he and his party explored the territory west of the Blue Ridge Mountains. He founded this order in an attempt to increase explorations to the "other side of the mountains." Governor Spotswood awarded each of the explorers with a small golden horseshoe, and each member promised to make at least one more trip to the then highly unknown western region.

Today the Golden Horseshoe is still the award, but the exploration is in the area of West Virginia history. This order was refounded in 1931 by Phil Conley, in an attempt to persuade students to think more about West Virginia and its important role in history. Each year approximately 250 eight-grade students are awarded the miniature horseshoe for scoring highest on the rigorous examination, which tests the students' knowledge of the history of their home State.

I wish to congratulate the 41 Knights and Ladies of 1991 who have proven their excellent grasp of the history of our great State of West Virginia.

MRS. ELMYRA BLACK IS LADY OF THE YEAR

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. THOMAS of Georgia. Mr. Speaker, it is my great honor and pleasure to share with the House the accomplishments of a special lady in my congressional district, Mrs. Elmyra Black of Swainsboro, GA.

Mrs. Black was recently named as 1991 "Lady of the Year" by the Theta Eta Chapter of Beta Sigma Phi. She was recognized for her many accomplishments in the religious, civic, educational, cultural, and business life of the Swainsboro community.

It is people like Mrs. Black who keep our communities thriving and growing. She has devoted countless hours to assisting others and has been unselfish in her desire to make Swainsboro a better place to live. On behalf of the citizens of the First Congressional District, I would like to extend my sincere congratulations and commendations to Mrs. Black.

At this point in the CONGRESSIONAL RECORD, I would like to include a copy of an article that ran in the May 8 edition of the Blade that details the many accomplishments of Mrs. Black over the years:

MRS. ELMYRA BLACK IS "LADY OF YEAR"

Mrs. William H. (Elmyra) Black of Swainsboro has been honored by Theta Eta Chapter, Beta Sigma Phi, as 1991 "Lady of the Year."

Nominated for the honor by Glad Garden Club, she was guest of honor at the civic group's "Lady of the Year" meeting last Tuesday night at Catered Creations.

She was recognized for her accomplishments in the religious, civic, educational, cultural, and business life of the community.

Mrs. Black serves as a member of the First Baptist Church Council, on the mission council, and as a church counselor. She presently is or has served as W.M.U. Associational leader and president of a W.M.U. Circle, Sunday school teacher, chaplain for the Daughters of the American Revolution, and as chairman of the Friendship Center.

She also serves on the committee for the Racetrack St. Clinic and has been president of the Parent-Teachers Association, a member of the Arts Council, a supporter of the Band Boosters' Club, and has assisted low-income families in a variety of community and personal activities.

Mrs. Black is a past president of the State Pharmaceutical Association Auxiliary, is a member of the Glad Garden Club, a member of Daughters of the American Revolution, and was active for several years in Cub Scout and Boy Scout programs.

A plaque in recognition of the honor was presented by Mrs. Missy Edenfield, chairman of the "Lady of the Year" selection committee.

EARLY INTERVENTION AND PRESCHOOL DISABILITY REAUTHORIZATION BILL

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. BALLENGER. Mr. Speaker, today, I am cosponsoring the administration's bill introduced by request by Congressman GOODLING which reauthorizes the early intervention and preschool programs under part H of the Individuals with Disabilities Education Act.

The Subcommittee on Select Education of which I am the ranking Republican is currently drafting a bipartisan bill to reauthorize these programs and many of the provisions in our bipartisan bill reflect those proposals recommended by the administration. Those provisions include adding assistive technology devices and services to the definition of early intervention services; changing the term "case management" to "service coordination"; requiring that the part H comprehensive system of personnel development be consistent with the part B comprehensive system of personnel development; and, providing a better transition for children in early intervention programs to move into preschool programs without creating a gap in services.

The administration's bill, however, contains a provision which mandates that States charge fees based on a sliding scale for early intervention services or receive a reduction in Federal dollars. After exploring this issue with expert witnesses at our subcommittee, I was convinced that we should maintain current law allowing States to choose whether to charge fees or not based on their individual needs. The bipartisan committee bill, therefore, will not contain this administration provision.

The Committee on Education and Labor plans to report a bipartisan bill very soon to authorize these important programs and ensure that infants and toddlers with disabilities and their families receive these essential services.

CIVITAN PRESIDENT CITED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. SUNDQUIST. Mr. Speaker, I was pleased to learn recently that a good friend and constituent from Clarksville, TN, Dr. J.F. Burney, has been named president-elect of Civitan International.

Dr. Burney has distinguished himself both professionally and personally. He is the model of informed and involved citizenship. Civitan International has selected a fine man for this high office.

Because Civitan clubs are active all across our Nation, I thought my colleagues would be interested to learn of Dr. Burney's election, and for that reason, I ask that the following article, published in the Leaf-Chronicle, be printed in the CONGRESSIONAL RECORD:

BURNEY NEW CIVITAN PRESIDENT-ELECT

(By Sue Carlton)

More than 20 years ago, a friend's involvement with the Civitan Club attracted the interest of Dr. J.F. Burney.

That interest has become a lasting commitment. This week, Burney, professor of accounting and finance at Austin Peay State University, will take over as president-elect of Civitan International—a worldwide organization of 36,000 senior members and 18,000 junior members.

The annual Civitan International Convention will take place Wednesday through Saturday in Atlanta. New officers will be installed Saturday night.

Markham Howe, of Little Rock, Ark., will be the new Civitan International president. He will serve from Oct. 1, 1991 until Sept. 30, 1992.

Burney will become president Oct. 1, 1992, and will serve through Sept. 30, 1993. Each president serves for one year.

"Our work is primarily with youth and the elderly—the mentally and physically handicapped—and that is what interested me about Civitan originally," Burney said.

Committed to his work with the handicapped, Burney serves as president of the board of Harriett Cohn Mental Health Center.

He also has served nine years on the board of directors for Progressive Directions Inc. (Three years as chairman) and has served as chairman for the Cumberland Psychiatric Center. Children and Youth, Inc., and the former Five Rivers Boys Home.

A native Tennessean and former military man, he worked as a public accountant and later received his doctoral degree in accounting and finance from the University of Alabama.

Burney has been an APSU faculty member since 1959, and served as dean of the College of Business for 15 years.

As Civitan International's president-elect, Burney will serve on the board of directors, in addition to his other duties throughout the year.

"The job of president will involve quite a bit of traveling." Burney said. "In addition, I will be involved in overseeing the budget, working on the organization's plans for the next year and working with the committee on future convention sites."

Some of that travel will include trips to international Civitan locations—including Japan, Korea, Norway, Sweden and Bangladesh.

His job also will include training the governors-elect for the next year. Each governor presides over a certain geographical region.

"Next year will be the 75th anniversary of Civitan and we will be meeting in Birmingham where Civitan started," he said.

As outgoing president, Burney will automatically serve as chairman of the board of directors for the next year.

Burney and his wife Earlene, an elementary reading specialist, are members of the Church of Christ. They have four children, Mike, Steve, Cheryl and Laurie, and five grandchildren.

THE CIVIL RIGHTS BILL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 12, 1991, into the CONGRESSIONAL RECORD:

THE CIVIL RIGHTS BILL

The House of Representatives recently passed a civil rights bill. The bill seeks to restore the law as it existed before 1989, when a divided Supreme Court issued a series of decisions which made it harder to sue an employer for alleged job discrimination. Behind the highly technical language of the bill lurk intense political controversy and serious questions about the laws against job discrimination.

The Civil Rights Act of 1964 guarantees all Americans the right to be free from discriminatory treatment. But no right is worth much without a remedy for those whose rights are denied. The civil rights bill is not about establishing new rights; it is about ensuring that adequate remedies exist. It deals primarily with the procedures and standards to be met in job discrimination lawsuits.

DISPARATE IMPACT

Many lawsuits center on the legality of hiring or promotion practices which are fair on their face but have an adverse effect on particular groups. For example, requiring job applicants to have a certain educational degree, test score, or physical ability may indirectly limit the number of women or minorities who would otherwise qualify for the job, and thereby result in unintentional discrimination. Such practices are said to have a "disparate impact," and are permitted only if they are required by business necessity. There are important similarities between the bill passed by the House and the one proposed by President Bush. Both bills require individuals filing job discrimination lawsuits to identify which specific practice caused the disparate impact, and employers to demonstrate why these practices are necessary. The two bills do differ on the definition of business necessity. The Supreme Court expanded this definition, making job discrimination harder to prove. The House bill would essentially restore the pre-1989 definition, while the President's bill would allow employers to use either the old or new definition.

QUOTAS

The most divisive issue raised by these bills is whether they will cause businesses to hire by quota. Under current law, quotas are generally prohibited unless they have been imposed by a court order against an employer found to have consistently discriminated in the past. The key point in the debate over quotas is on the difference between defining business necessity as "having a significant and manifest relationship to the requirements for effective job performance," under the House bill, or "significantly serving legitimate employment goals," in the President's bill. This small difference in language has generated the entire debate on quotas. Critics of the President's bill contend that its definition will enable employers to legally justify requirements that are not necessary for successful job performance. Opponents of the House bill charge that it will not allow employers to justify important employment requirements and thereby make discrimination too easy to prove. Consequently, they argue, employers will hire by quota rather than risk losing lawsuits. However, the House bill restores the definition of business necessity as it was for nearly 20 years. That standard did not lead to quotas then, and should not now. In addition, the House bill explicitly prohibits the use of quotas by employers and makes their use an unlawful employment practice. The President's bill does not forbid quotas.

MONETARY DAMAGES

Another key issue is whether victims of intentional job discrimination should be permitted to seek compensatory and punitive damages. Currently, only victims of racial discrimination may seek such damages. The House bill would allow all victims of intentional discrimination to seek compensatory damages, and punitive damages up to $150,000 or the amount of compensatory damages awarded. President Bush's bill would allow the awarding of $150,000 in damages, but only if the employee has also been harassed. Critics of the House bill argue that allowing employees to seek damages will encourage them to file lawsuits that will result in huge damage awards which could ruin some businesses. However, victims of intentional racial discrimination have been able to seek damages for over 100 years, and there is no evidence that this option has been abused. In addition, many believe that allowing damages is the only way to make sure the law adequately deters employers from discrimination.

CONCLUSION

Though both of the proposed bills had merits and flaws, the bill that passed the House was preferable. It does not require quotas, and restores important protections to American workers. In my view, those who claim that without this legislation employment discrimination will be rampant and those who predict that with this legislation employers will be obliged to observe quotas are both overstating their case.

While widely supported, the House bill fell well short of the number of votes required to override a presidential veto, which means that it will not become law. Renewed negotiations between the President and the Senate are now the appropriate course of action. I kept thinking throughout the debate that the civil rights bill should have been easier to pass. Strangely enough, there was little pressure in support of the bill, and some intense opposition to it focused on the quota charge. If there were not political overtones to this debate, reasonable people would have agreed on the language fairly quickly. The controversy surrounding the bill has as much to do with presidential politics and the state of race relations in America as it does with a civil rights bill.

My impression is that most Americans support affirmative action, but oppose quotas and reverse discrimination. Many of them no longer view the civil rights movement as advancing those goals; rather, they see it as a special interest group pursuing its own interests at the expense of others. They believe that reverse discrimination is pervasive in American life today and that civil rights legislation will only make the problem worse. I also believe that they support equal opportunity and efforts to expand opportunities to disadvantaged persons. This is what I think the civil rights bill accomplishes. It tries not to grant minorities special advantages at the expense of others, but rather helps ensure that they will be treated fairly. No one can doubt that there is much important work yet to be done to eliminate the obstacles that so many disadvantaged Americans face in trying to improve their lives. The civil rights bill is one modest step in this direction.

INTRODUCTION OF THE CHOICE IN EDUCATION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. GOODLING. Mr. Speaker, the debate on educational reform has brought forth many new ideas, but none more controversial than choice in education. Choice has been touted by some as the solution to the Nation's educational woes, and in fact, a major component of the President's America 2000 proposal deals with choice in education. Others have pointed out several concerns about school choice and feel that it will weaken our public school system.

I have concerns that choice has been singled out as the solution to our education problems without proof that it is effective on a widespread basis. Recently, many more educational choice programs have begun operating around the country. Some of them have seen great success, like the one in Montclair, NJ, while some of them, Richmond, CA, for example, are finding that mismanagement and lack of commitment to educational reform are leading to continued failure of the school system and declining academic achievement of their students. Unfortunately, we do not now know what goes into the creation of a choice program of high quality, where all students are provided an improved education.

On May 21, the Committee on Education and Labor held an oversight hearing on choice in education. All of the witnesses agreed that if there is a role for the Federal Government

in the area of school choice it is in determining what works and making this information available to other communities who may wish to implement such a program. I would agree that if schools are going to restructure around a choice model, then there is a Federal role in providing them with technical information so that students are provided the best services possible.

The bill that I am introducing today authorizes the Secretary of Education to make grants to public schools, or local educational agencies for demonstration and evaluation of a variety of educational choice programs. The goal of this legislation is to determine which types of choice programs are effective in improving parental involvement in their children's education and increasing student achievement.

One of the most contentious issues in the school choice debate is whether private schools should be allowed to participate. While I myself have serious reservations about public funds going to private schools, it is important that we look at all forms of choice programs and evaluate their effectiveness. As a result, public schools that propose to include private schools in their choice plans could apply for demonstration and evaluation grants.

The key to education progress is a commitment to quality and excellence. If schools are going to implement choice programs then there is a Federal role in finding out what is effective and sharing this information with all interested parties. We cannot afford to make judgments here in Washington on what is educationally correct, but rather take what is happening around the country and shape it so that it leads toward this goal.

CONGRATULATIONS TO AN OUTSTANDING LEADER—JACK SMANT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. VANDER JAGT. Mr. Speaker, this summer Jack Smant may actually have some time to enjoy the beauties of what is, undeniably, one of the most beautiful areas in the most beautiful State in the country. The western side of the State of Michigan, and the ninth district which I have the honor to represent, offer some of the most exciting and breathtaking recreational areas and opportunities one can find.

But only if one can also find the time to enjoy them. Jack Smant, who declined to stand for election to the Ottawa County, Michigan Board of Commissioners this past fall, will have just a little more of that time. While he will not likely abdicate his strong feelings about citizen responsibility and involvement—and while his position as the executive director of the Association of Commerce and Industry will provide more than enough of an opportunity to tout the economic vitality of the area, I am sure that Jack is looking forward to some rest after 14 years of service as commissioner, including a stint as chairman. The citizens of Ottawa County and the communities Jack represented on the board are grateful for his service and for his continuing interest in the affairs of the county. I offer for my colleagues' review an article about Jack's contributions to the area which appeared in the Muskegon Chronicle as his formal term of service drew to a close last winter.

JACK SMANT HANGS UP HIS OTTAWA LEADERSHIP HAT TO DO MORE IN TRI-CITIES

(By Roger Morgenstern)

GRAND HAVEN.—Jack Smant will be the first person to tell you he's not retiring.

Starting Jan. 1, he's merely turning in one of the hats he wears.

The 56-year-old Ottawa County commissioner is leaving the county board after 14 years, in which he has been chairman and became one of the group's most influential members.

During his tenure on the board, Smant has worn two hats in the Tri-Cities—one as executive director of the Association of Commerce and Industry and the other as a county commissioner representing Grand Haven and Ferrysburg.

Just because he is stepping out of the political spotlight should not diminish Smant's leadership role in the community. He will continue to head what he calls a "dynamic organization" in becoming more heavily involved in economic development and community issues facing the entire Tri-Cities area.

Grand Haven Mayor Howard Meyer said Smant's and the ACI's assistance with the city will continue to grow as city officials play less of a direct role in economic development.

"Jack has served his constituents to the upmost, he's a real valued asset to the community . . . He will continue to play a role in the development of the Tri-Cities area," Meyer said.

Some in Grand Haven have even suggested Smant might be someone who could calm the city's political waters after the election defeat of former Mayor Marjorie Boon, the ouster of the city manager, the loss of a half dozen city department heads and the uncertainty of city finances. Smant is having no part of the speculation.

Smant said he's enjoyed his time as a county commissioner but has not thought if politics will play a part in his future.

"I haven't thought about future political moves if any," Smant said. "The impetus I've had is to wrap up the county work I have and let the dust settle for a while."

Smant said during an interview recently that over the years he had no problem separating the two roles, but admits he welcomes the opportunity to focus on one job.

"Everything's growing that we're dealing with . . . The amount of calls we get are growing by leaps and bounds," Smant said of the business and tourism inquiries at ACI.

"I've got the demands of a full-time job and I felt it was time to get out. I will have no problem keeping busy but I want to get back to a more normal life," Smant said.

Smant, who has served as the ACI's executive director since its 1981 formation, was formerly manager of the Committee for Economic Development, one of the ACI's forerunners. Prior to that, he owned a floor covering business.

Smant said he has always accounted for the time he should spend for the ACI, often working weekends, nights and vacations to make up for hours spent on county business.

The thought of stepping down from the county board first entered his mind two years ago, as he was mulling over another election bid.

Although he decided to run again, the new board committee structure set up under Board Chairwoman Jessie Dalman during the past two years has led to 80 percent of all matters flowing to the Internal Services Committee, which Smant chairs. The powerful, five-member committee drafts the county's budget and reviews personnel matters, among other time-consuming items.

Smant is considered by many as one of the most powerful commissioners on the 11-member board. In addition to serving as Internal chairman for the past two years, Smant was board chairman for eight years, from 1979 to 1986.

An experience and power vacuum on the 1991 county board is further enhanced by the additional departures this month of Dalman and Commissioner Ronald Mayers, both veteran, influential board members.

Smant, Dalman and others were at the forefront of the evolution county government since they came on the board in the mid 1970s. Smant says the professional, business-like approach the county board has taken in building its administrative structure purposely mirrors that of the private sector.

Among the changes made during his tenure are new computers countywide and administrators overseeing data processing, personnel, finance and buildings and grounds.

We moved (county government) into a nonpolitical arena feeling it would be the most cost-effective and productive," he said.

Both jobs—commissioner and ACI executive director—are "very public and demanding," Smant said, saying there came a point "where something had to give."

Each time an election year rolled around, Smant would always discuss the situation with the ACI board. They never asked Smant not to run and were always supportive, he said.

"They were surprised at my decision this year," Smant said, adding the 14-member board did not influence his decision, made public in April, not to run again.

ACI Board President Bob Risselade praised Smant's work on the ACI, saying role as a county commissioner never got in the way.

"From the ACI's standpoint that has never presented a problem as long as I've been involved," said Risselade, who's been on the board for more than five years. "I think the (ACI) board has always wholeheartedly supported him.

Risselade called Smant "extremely dedicated to ACI," and hoped that stepping down from the county board will give him some personal "breathing space."

But the county will not be far from Smant's mind. The outgoing commissioner said with his experience he would welcome consulting with next year's commissioners, if asked. Former Grand Haven City Manager Larry Deetjen will replace Smant in the county board's 4th District.

Commissioner Edward Bytwerk, of Spring Lake, said he'll miss his Tri-Cities colleague. "I have felt since I've been on the board that Jack's been a strong member of the board, not only for North Ottawa but also the entire county."

Smant's stint on the county board is only part of his political history in the Tri-Cities. From 1973 to 1975, he served on the Grand Haven City Council. In September 1975, he was appointed to the board to fill a vacancy.

In August 1976, Smant's first bid for election to the county board ended in a primary election defeat. But in 1978, he won the election and has remained in office ever since.

ELLEN DZIENGELESKI OF SOUTH GLENS FALLS, NY, COMES FROM A PATRIOTIC FAMILY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. SOLOMON. Mr. Speaker, there are some families for whom service to their country is as natural as birthday parties. I'd like to speak about such a family today.

Ellen Dziengeleski of South Glens Falls, NY, has six aunts and nine uncles. Every one of her uncles served in the military, seven of them in World War II. Her mother is Rita Peirquet Raleigh of Green Bay, WI. The nine Pierquet brothers totaled 53 years in the Army, Navy, Air Force, and Marines.

Mr. Speaker, consider this:

The oldest Pierquet, Cy, was drafted into the Army Air Corps and served in a radar unit in the Pacific before being discharged in 1945.

Le Roy was a chief gunner's mate in the Navy and served aboard the U.S.S. *Pokomoke* from 1941 to 1945.

Marvin enlisted in the Army Air Corps in 1942 and served stateside until 1945.

The twins Cletus and Clayton also served. Cletus served in the Army Reserves from 1943 to 1957. He got a battlefield commission in the Battle of the Bulge and saw action in Germany, Belgium, Austria, Holland, and France. Clayton was drafted into the Navy in 1942, was stationed in the Pacific, and served until 1944. He also served in the Korean war.

Clement enlisted in 1943 and served in the Pacific until 1946 as a Navy coxswain.

Anthony enlisted in the Navy in 1943 and was a shipfitter third class on the U.S.S. *Makassar* in the Pacific until 1946. He also served on a destroyer during the Korean war.

Quintin, too young to serve in World War II, enlisted in the Marine Corps in 1950 and served in the Korean war as an ammunitions specialist until his discharge in 1954.

Jerome, also too young for World War II, enlisted in the Navy in 1947 and served as a boatswain's mate on the U.S.S. *Okaganon* during the Korean war. He remained in the Navy Reserves until 1953.

Mr. Speaker, as you can see, this is a truly extraordinary family. Ellen Dziengeleski is justifiably proud of her large, close family.

Ellen and her husband Roger are good, solid citizens in our district. Roger is a woodlands division manager at Finch, Pruyn, one of our most important industries.

You could imagine, Mr. Speaker, how special such holidays as Memorial Day, Fourth of July, and Veterans Day are to the Pierquet family and all its branches. With great pleasure, I ask all Members to join me in paying our own special tribute to this highly patriotic family.

FLORIDA BAPTIST FAMILY MINISTRIES BRINGS HOPE TO SOUTH FLORIDA FAMILIES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Florida Baptist Children's Home has brought hope to south Florida children and their parents for over 40 years. Since 1958, the Miami-based home for children has taken in abused and neglected children. This ministry has expanded over the years to include shelters in Lakeland and Tallahassee, with a home for mentally retarded adult women in Winterhaven and a retirement home in Vero Beach.

The important work of the Florida Baptist Family Ministries, that of ministering to the needs of children, families, the mentally retarded, and senior adults, is largely supported by private donations. Recently, the Giving Hope Campaign was initiated to raise necessary funds to enhance and expand current services. Mr. Speaker, I am always encouraged by the success of private charities that are able to reach out to the community and bring hope and healing. There is a special earnesty to serve and profound commitment found in the efforts of the Florida Baptist Family Ministries.

I commend the leadership of both the Florida Baptist Family Ministries and the Giving Hope Campaign. The president of Florida Baptist Family Ministries, Richard Phillips, and director of development, Tom Blake, should be noted for their commitment and vision to the ministry. I also recognize the support provided by the campaign leadership: chairman, Bob Bery, the senior vice president of Dean Witter Reynolds, Inc.; initial division chair, George Wilson, chairman of Fuchs Baking Co.; and major division chair, Jim Ferguson, partner of Ferguson, Glasgow & Schuster Architects.

AMERICANS IN SPACE PRESERVATION ACT OF 1991

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. HEFLEY. Mr. Speaker, last month I introduced H.R. 2383, the Americans in Space Preservation Act of 1991.

My bill would direct the National Park Service to develop a plan of action for four Brevard County, FL, sites associated with the early days of America's space program. The sites are launch complexes, 5, 6, and 26, also known as the Air Force Space Museum and launch site for America's first satellite and first astronaut; the Mercury Mission Control Center; and the Apollo-Saturn launch umbilical tower, which supported the Apollo 11 launch.

In this action plan, the Park Service would evaluate the engineering and maintenance needs of these sites, prepare alternatives and recommendations for visitor use and interpretation, estimate costs, examine possible funding sources and coordinate with the Interior Department, the National Aeronautics and Space Administration, the Air Force and any other public or private entities having an interest in the preservation and interpretation of these sites.

I drafted this bill after meeting with our former colleague, Interior Secretary Manuel Lujan, and in consultation with representatives of the Park Service and the majority and minority staffs of the House Subcommittee on National Parks and Public Lands. I have also contacted the offices of Mr. BACCHUS, in whose district these sites are located, and with that of my colleague on the Interior Committee, Mr. JOHNSTON. H.R. 2383 has also won the endorsement of Spaceport Florida, the State's commercial spaceport authority.

This bill specifically states that the planning process should avoid, to the maximum extent possible, conflict with the ongoing operational requirements of the Air Force and NASA. Further, following a meeting between a member of staff and representatives of NASA, I agreed to limit the scope of this plan of action to the above-mentioned four sites and to emphasize that no NASA money would be involved in this effort. The space agency also wished its concerns with historic preservation heard, a request I hope will be honored during the hearing process.

H.R. 2383 directs that the plan of action be made available no later than 18 months after receipt of appropriations by the Park Service. Further, the Park Service will have 24 months to develop interpretive materials, suitable for public distributions, that interprets the significance of 26 space program sites associated with America's space program and identified in National Park Service "Man in Space" study of alternatives. Finally, the bill authorizes the sum of $500,000 to carry out this work.

The Park Service tells me that such a plan of action would be the next logical step after conducting a theme study and a study of alternatives, both of which have been completed on this subject. It also reflects what I believe to be Secretary Lujan's feelings on this matter, that the Park Service not commit to managing these sites as a unit of the National Park System but acknowledging that the NPS could play a role in bringing about their preservation. The completed plan of action will put all of the cards on the table, all of the information needed for us, a local support group or someone else to make decision on preserving and interpreting these sites.

This bill is my latest attempt at preserving a record of the sites associated with the early days of America's space program. Last year, I introduced a bill to deal with all 26 of those sites and that measure met with its share of opposition. Some feared the price tag, which could have reached $37 million, and others worried about the impact my bill would have on NASA's operational requirements.

A lot has taken place in the past 2 years. After 4 years, the Office of Management and Budget released the National Park Service "Man in Space" study of alternatives. In addition, NASA signed a programmatic agreement with historic preservation officials to conduct sites identified by the NPS study. Patrick Air Force Base found internal funds to repair the launch gantry that cradled America's first satellite launcher and, in Florida, a number of

support groups expressed interest in preserving space program sites.

Lastly, the Advisory Council on Historic Preservation completed its report on "Balancing Historic Preservation Needs With the Operation of Highly Technical or Scientific Facilities." This report was written at the request of the chairmen and ranking members of the House Interior and Science and Technology Committees. In short, that study found that the operational and historic preservation needs can coexist so long as the agencies involved understand the ground rules.

I believe my bill will set the stage for action on these four sites, which really represent the essential substances of the space program's early years, and for an open discussion on the larger issues of reconciling historic preservation and operational needs. Given the Nation's technological bent, it's likely we'll see further conflicts in the future between these two national goals.

From these sites, America first journeyed into space, actions which opened a new era not only for our Nation, but for civilization. These actions did as much to define this country and the American experience as the Civil War or immigration or the opening of the West. In the end, it doesn't really matter whether Washington or the State of Florida or some public entity preserves and interprets these sites. But it's vitally important that we move toward that end. I believe H.R. 2383 would bring that about and I urge your support.

The text of the bill follows:

H.R. 2383

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 "Americans in Space Preservation Act of 1991".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) America's space program reflects some of humanity's highest intellectual achievements.

(2) America's space program has kindled an unprecedented evolution in technology, and has resulted in significant improvements in the quality of life for all Americans.

(3) The National Park Service has prepared a study of alternative concepts regarding the preservation needs of the 26 most important sites associated with America's space program.

(4) Further action must be taken to ensure that the significant sites and resources associated with America's space program are preserved, and that the educational and inspirational value of those sites and resources for the American public is fully realized.

SEC. 3. PLAN OF ACTION.

(a) PREPARATION OF PLAN.—In order to identify those actions that are necessary to preserve and interpret the significant sites and resources associated with the development of America's space program, the Secretary of the Interior (hereafter referred to in this Act as "the Secretary") shall prepare a plan of action by which those sites and resources located in Brevard County, Florida, may best be preserved and interpreted to the public.

(b) SITES AND RESOURCES INCLUDED.—The sites and resources to be encompassed by the plan shall include launch complexes 5, 6, and 26 (also known as the Air Force Space Museum), located at the Cape Canaveral Air Force Station; the Mercury Mission Control Center, located at the John F. Kennedy Space Center; and the Apollo-Saturn launch umbilical tower, also located at the John F. Kennedy Space Center.

SEC. 4. CONTENT OF PLAN.

The plan required under section 3 shall address each of the following:

(1) The engineering and maintenance needs associated with those sites and resources.

(2) Alternatives and recommendations for visitor use and interpretation.

(3) The costs associated with preservation, interpretation and maintenance.

(4) Possible sources of funding for the sustained operation and maintenance of the sites and resources, including private sources of funding.

(5) Appropriate management roles for those public agencies having custody of the sites and resources.

(6) Methods for achieving effective coordination between the Interior Department, NASA, Department of the Air Force, and any other public or private entities having an interest in the preservation and interpretation of sites and resources associated with the space program in Brevard County, Florida.

SEC. 5. PLANNING PROCESS.

The process by which the plan required under section 3 of this Act is prepared shall—

(1) include full consultation with, and the active participation of, NASA, the Department of the Air Force, the Florida State Historic Preservation Officer, and such other entities as the Secretary deems appropriate;

(2) include appropriate opportunity for public comment and participation in the development of the plan; and

(3) avoid, to the maximum extent practicable, conflict with the ongoing operational requirements of NASA and the Department of the Air Force.

SEC. 6. PLAN SUBMITTAL.

Within 18 months of funds first being made available for the purposes of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a comprehensive plan meeting the requirements of sections 3, 4, and 5 of this Act, including alternatives and recommendations for the preservation and interpretation of those sites and resources.

SEC. 7. INTERPRETATIVE MATERIALS.

Within 24 months of funds first being made available for the purposes of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a handbook, suitable for public distribution, that interprets the significance of the 26 sites associated with America's space program and identified in the above mentioned study of alternatives, and the relationship those sites bear to one another and to the space program as a whole.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated a sum not to exceed $500,000 to carry out the purposes of this Act.

BRICK TOWNSHIP, NJ, ELKS TO HONOR AMERICA'S SERVICE MEN AND WOMEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. PALLONE. Mr. Speaker, on Saturday, June 21, 1991, I will have the honor and privilege of attending an event at the Brick Lodge No. 2151 of the B.P.O. Elks, Brick Township, NJ, in honor of America's service men and women returning from the Persian Gulf.

Mr. Speaker, America's victory over the dictator and aggressor Saddam Hussein is a triumph that belongs foremost to the brave men and women of our country, volunteers in all the branches of the service, who risked their lives in the cause of preserving international law and order. As can be seen from the huge parades and welcoming ceremonies all across America, their victory has brought the citizens of this country together to a degree not seen in at least a generation. The sense of admiration for the bravery and professionalism of our volunteers has cut across the usual lines of age, political affiliation, or personal ideology. Besides expressing their support for the cause for which our troops fought, Americans showed their deep commitment to our men and women in uniform by helping the troops and their families any way they could—not only during those anxious weeks when our forces were engaged in battle, but in the months of preparation that led up to the launching of Operation Desert Storm.

Now that the American service personnel are coming home, they are getting the chance to see just how wide and how deep the recognition and appreciation among the citizens of the United States really runs. The big parades in Washington and New York may have featured the impressive displays of hardware and stirring speeches by our great military leaders. But it is events like this Saturday's picnic in Brick Townships NJ, which truly show the caring and the character of the American people.

EARLY INTERVENTION AND PRESCHOOL DISABILITY REAUTHORIZATION BILL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. GOODLING. Mr. Speaker, today, I am introducing by request the administration's bill to reauthorize the early intervention and preschool programs under part H of the Individuals with Disabilities Education Act.

The Education and Labor Committee is currently drafting a bipartisan bill to reauthorize these programs which incorporates many of the provisions of the administration's proposal. Those provisions include adding assistance technology devices and services to the definition of early intervention services; changing the term "case management" to "service coordination"; requiring that the part H com-

prehensive system of personnel development be consistent with the part B comprehensive system of personnel development; and, providing a better transition for children in early intervention programs to move into preschool programs without a gap in services.

The administration's bill, however, contains a provision which mandates that States charge fees based on a sliding scale for early intervention services or receive a reduction in Federal dollars. The bipartisan committee bill will not include this provision and will maintain current law allowing States to choose whether to charge fees or not based on their individual needs.

The Committee on Education and Labor plans to report a bipartisan bill in the near future to authorize these important programs and ensure that infants and toddlers with disabilities and their families receive these essential services.

HARTFORD UNITED METHODIST CHURCH HAS LONG TRADITION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. SOLOMON. Mr. Speaker, our 24th New York District can boast of some of the most beautiful and most historic churches in America. The history of many of these churches is like the history of Colonial or 19th century America.

One of those churches is the Hartford United Methodist Church. I've already mentioned this church on this floor, because U.S. Army Spec. Collin Fuller, son of Rev. Patti Girard, pastor of the church, recently delivered the sermon there after his return from the Persian Gulf.

But I could not tell the story of this church any better than the article that recently appeared in my hometown newspaper, the Glens Falls Post-Star. I proudly place the article in today's RECORD:

A LABOR OF LOVE: HARTFORD CHURCH HAS ALWAYS HAD IT

(By Joan Patton)

"You will have a united church, who will love you, and take care of you because they love the Master whom you serve."

"The people in Hartford are the most wonderful, caring people. Each pastor has different skills. One pastor never has it all. One does the best job one can. We laugh a lot in service. It's important to laugh."

These quotations from two Methodist pastors, speaking in 1865 and 1991, sum up the warm relationship between pastor and congregation that has been a hallmark of the Hartford United Methodist Church. Rev. W. D. Hitchcock wrote the first, and Rev. Patti Girard, the first woman pastor the church has had, said the second last week.

Girard, a part-time pastor, serves a congregation of 175, and ministers to about 270 in all.

"There's so much to do," she said. "When I'm called, I like to be available. People can stop by anytime. It doesn't matter if I'm washing dishes or making supper. There's always time to talk."

Ironically, Rev. Girard was born and raised a Catholic. She graduated from St. Mary's Academy in Glens Falls. She didn't join the Methodist church until she was an adult, making the switch with her sister, Judy Rosebrook, who is a nurse and gospel singer.

Before coming to Hartford, Girard was a member, employee and assistant pastor of South Glens Falls Methodist Church for 17 years.

"I felt called to the ministry, and it was a joint decision between Frank and me to leave South Glen Falls for Hartford. It's been a joy, a labor of love."

She is licensed to preach, and is completing her course work for bachelor's and master's degrees, for her ordination.

She has been attending the Wesley Theological Seminary in Washington, D.C., every summer, and doing her course work by correspondence during the winter.

A few weeks ago, her son, Army Spec. Collin Fuller, a combat engineer stationed in Germany, but assigned to Saudi Arabia, and Rev. Girard preached dual sermons, "Faith Through Difficult Times." She praised her congregation's support of Fuller's unit during the crisis with letters, food, and prayers.

Sitting on the front porch of the parsonage, looking up and down tree-shaded Main Street, with its array of 19th century buildings, Rev. Girard said, "There's a common thread pastors have found here down through the generations: how well the people get along and work together, and how well they get along with the pastor."

Methodism was introduced to Washington County in 1770, when Philip Embury formed a class at Ashgrove in Camden Valley. Another class was formed in Hartford sometime in the early 19th century, connected with the Fort Ann circuit of the Methodist Church, and led by itinerant circuit-riding preachers.

The first class in Hartford was organized in 1844 by Ensign Stover, who was instrumental in persuading his fellow members to buy the South Baptist Church.

The Methodist Episcopal Church was incorporated Sept. 11, 1844. David Arnold Flyn, Whitcomb, Mason Hewlet, Solomon S. Cowen, Jabez Norton and John Norton were elected as trustees.

The Methodists bought the vacant South Baptist Church building for $800 in 1845. Some of the rare surviving church records show that Mason Hulett paid $29 for a pew on the south aisle in 1845. An undated map of the pew holders includes names like Gilchrist Hatch, Murrell, Norton, and Townsend. The church was dedicated in 1851. It was served by circuit-riding preachers until 1853, when Rev. William W. Foster became the first pastor.

The town petitioned the state legislature in 1803 and 1804 to authorize the county to build a courthouse in Hartford. Work on the building on Main Street began in 1804, but the courthouse was built in Salem instead. The Cowan family finished the building as a residence, and gave it to the church for use as a parsonage in 1912.

Historian Joseph Cutshall-King, who prepared a historic structures report for the Hartford Historical Group, wrote: "There are strong elements of the Neo-classical style in the church, in keeping with the architecture of the town and county. It is an important link between the Neoclassical-Style and Gothic-Style ecclesiastical architecture of Hartford."

The church is 2½ stories high, has a wood frame with interlocking members, clad in narrow strip clapboard framed at the corners with plain boards, rather than pilasters.

"It appears the church has never had an exterior body color other than white, trim has been either green or black," King wrote. The foundation is random ashlar (stone) covered with clapboard, the roof is slate-covered. According to King, the steeple, which is set back slightly from the line of the facade, originally had spires which were removed in the 1920s and stored. The steeple was originally open, but shuttered after 1895. The windows on the east front were altered when the church was raised. The east front windows were covered over when the Rowe memorial window was installed in 1895.

The church building was raised and a full basement built underneath in 1858. Church rooms and a kitchen were added in the 1870s, and in 1895, the building was repaired, and stained glass windows and a memorial window were given by William H. Rowe, in memory of his daughter. The trustees built the choir loft behind the pulpit and the Epworth League gave the church an Estey organ at the same time, to replace the organ bought in 1867.

The church membership grew slowly until 1869, when a wave of spiritual revival brought 130 new members into the congregation.

The church flourished, reaching its peak membership during the 1890s. A Christian Endeavor Society was organized about 1885, becoming a chapter of the Epworth League in 1891, with a membership of 60.

According to the 1896 history of Hartford written by Rev. Samuel D. Miller (pastor of the Methodist Church), a Sabbath school was organized soon after the church's founding. There were 30 scholars and 250 volumes in the library in 1857. During the following years when services were held in South Hartford, another Sabbath school was etablished, with a combined membership of 85, and 600 volumes. "The school is now in a flourishing condition with an attendance of nearly a hundred members each Sabbath."

Membership had so declined by 1926 the church appealed to the district superintendent to help. The next pastor, Rev. Roy Dunckel, revived the work of the church.

A former member of the church, Kathleen Kathe, wrote a manuscript history of the church. Quoting from the Miller history, she wrote: "One of the principal characteristics of the society from the beginning has been its harmony. . . . The pastors, almost without exception, have felt that their labors were successful because the members have loyally supported them in their work."

Over the years, the church has shared a pastor with the Argyle or Hebron church, but since the 1970s, has supported its own pastor.

AT A GLANCE: HARTFORD UNITED METHODIST CHURCH, MAIN STREET, HARTFORD

Pastor: Rev. Patti Girard.

Founded: Sept. 11, 1844.

Present building erected: 1833.

Regular services: 11 a.m. Sunday worship, 10 a.m., summer schedule; Sunday School (except in summer) 9:30 a.m., Sunday School superintendent, Cindy Irwin.

Organist and choir director, Marie Fountaine.

Groups: Irene Stone Bible Study, meets Tuesday mornings; Adult, youth choirs; youth group; Task Force (fund-raising committee).

Events: Memorial Day Chicken Barbecue, dinners, food and plant sales.

ROBERT L. "BUZZ" KERSMAN, A DYNAMIC LEADER AND DOER

HON. GUY VANDER JAGT

OF MICHGIAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. VANDER JAGT. Mr. Speaker, the economy is rebounding, we are told. It may take a while, it is said. We need aggressive entrepreneurs, businessmen willing to act on their dreams and to reach out to the marketplace effectively. None of us would disagree.

That is why it is a pleasure for me to draw attention to the dynamic leadership and industrial growth being generated by Robert L. Kersman of Muskegon, MI, in the Ninth Congressional District which I have the honor to represent.

Buzz Kersman assumed the leadership of Lorin Industries, an anodizer of aluminum, from his father a decade ago. He has taken the company, in a city where economic difficulties have persisted even in some of our better times, and provided continuing growth and expansion. Today Lorin Industries, under Bob's leadership, has grown to supply 50 percent of the domestic aluminum anodizing market. In addition, a small fabricating company he founded supplies such items as the aluminum windshield frames for the Army's Humvee which performed so capably in the recent Desert Storm operation. We in the Ninth District and the citizens of Muskegon are proud of the dynamic leadership and industrial growth which Buzz Kersman and Lorin Industries employees have provided in our area. I offer for my colleagues' review an article on the company and its work—and the leadership of Bob Kersman—which appeared in the Muskegon Chronicle earlier.

LORIN INDUSTRIES' FUTURE IS SHINING BRIGHT

(By Robert Burns)

You see it in the futuristic, bright metal canopy over the entrance of First of America's downtown Muskegon bank building.

You see it in the earthy brown vertical accents around the downtown Steketee's store.

In these and many other applications, what you see is anodized aluminum sheeting. What you don't readily see is where it comes from—Lorin Industries, 1960 Roberts.

But you'll be seeing more of it.

Lorin president Robert L. Kersman said its use in architecture is on the rise, which bodes well for the future of the company founded by his father, L. Herb Kersman, 47 years ago. Kersman, 51, has been president of the family-owned company for the past decade.

50 PERCENT OF MARKET

Today, Lorin controls about 50 percent of the domestic anodizing market. Its plant holds six of the nation's 14 anodizing lines.

Anodizing creates a thin layer of aluminum oxide onto aluminum sheeting electrolytically, continuously building billions of microscopic cells in the metal. With the use of various salts and organic dyes, anodized aluminum can be made in virtually any color.

Architectural panel manufacturers are big users of such finished metal. One product Lorin is manufacturing in ever-increasing quantities is the "sandwich" panel, which consists of two sheets of anodized aluminum separated by an insulated material.

Kersman said he believes Lorin has a big edge over suppliers of painted or plastic-coated architectural panels because the color in anodized panels is both uniform and permanent; it won't fade or flake off. The company has even developed a new process designed to cope with the effects of acid rain.

And of course, aluminum is light weight, strong, corrosion resistant and cost-competitive.

Other common uses of anodized aluminum are in parabolic lighting reflectors and in window frames.

GROWTH 12 PERCENT

Growth has averaged about 12 percent a year through most of the 1980s, and Kersman projects additional growth of 20–25 percent the next five years.

About 7 percent of Lorin's production is for export, and a growing international focus led last year to the hiring of the company's first export manager.

It also brought the dropping of the long-established Coil Anodizers name, now known simply as Lorin Industries. Coil Anodizers could be confused with competing firms Coil Anodizers of Chicago and Coil Anodizers of Belgium, Kersman said.

Indeed, Lorin is sometimes confused with its next-door neighbor, Kersco Industries, a business Kersman started in 1969 to fabricate aluminum as an additional service to customers. Kersco's two main products are extruded aluminum struts for convertible tops and windshield frames for the Army's Humvee vehicle.

Lorin has 140 employees, Kersco about 40. Falcon Tool Inc., a Ferrysburg tool and die shop which Kersman acquired to supply specialized bending machinery for Kersco's operations, employs another 20.

NEW EQUIPMENT

To get Lorin Industries and Kersco where he wants them to go, Kersman has been reinvesting money into both the past couple of years:

A 10,000-square-foot addition of plant and robotic and computer-controlled equipment at Kersco was completed in January 1990 at a cost of $1 million;

At Lorin, new equiment for precision cutting of aluminum sheeting after anodizing will cost another $750,000. The "cut-to-length" line will ensure both sides of a sheet are precisely the same length and will lie perfectly flat without buckling;

A 15,000-square-foot warehouse was completed last fall;

Lorin's administrative offices facing Roberts Street are getting a new exterior facelift, using sheets of anodized aluminum in a lustrous silver with black trim and cobalt blue accents. Inside, office space has been increased by nearly one-third, in part to accommodate new computers and related equipment.

The company has installed a cogeneration system costing $2 million. The system will supply about half of Lorin's electricity needs and reduce energy costs by 20 percent. The system is expected to pay for itself in 3½ years.

The system uses natural gas-powered reciprocating engines to turn generators capable of turning out 3,200 kilowatts of peak power. Heat from engine exhausts and cooling water is converted to steam, which is sent to the main plant for use in production processes.

Its development was largely the work of four men—Lorin project manager Ken Andrews, Richard A. Grenell of Newkirk Electric Co., Robert B. Hubert of Northern Boiler and Mechanical Contractors, and Danial T. Girvan, who heads Resource Engineering Inc. of Whitehall.

Built almost literally from the ground up, the system is unique in several ways, not the least of which is that it confounded at least one consulting engineer by costing $2 million, compared to approximately $2.5 million bid by three Detroit-area firms.

According to Girvan, after the $2.5 million bids were received, Kersman took local engineers aside and said, "We'll pay you to prove them wrong."

Moreover, most of the job was done by local pipefitters, electricians and other tradesmen, using local suppliers wherever possible.

Other signs of Lorin Industries' and Kersco's willingness to do business in the 1990s include a "participatory management" system based on the Scanlon Plan. It has been in effect for five years at Lorin, and three years longer than that at Kersco.

"Even before the Scanlon plan, we got along (with management)," said Bob Muttart, a production controller with 24 years at Lorin. "They don't treat you like you're just another employee."

"Before the teams, we knew something about the company, but not a lot about the problems we faced. We get a lot of security in knowing about that," added Janelle McGarry, a data processor of 15 years' experience at Lorin.

Both were invited to sit in on a recent interview with Kersman.

Lorin's work force is divided into 14 employee "teams," which meet monthly to discuss problems and ideas. Four times a year, a representative of each team meets with Kersman.

CONGRATULATIONS TO MERCY HOSPITAL ON ITS 41ST ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate Mercy Hospital on their 41st anniversary and also commend the facility on its outstanding service to the South Florida community.

Mercy Hospital has grown very rapidly in recent years. It opened its doors in 1950 with only 125 beds. Now, in 1991, the hospital serves 115,000 patients per year with over 500 beds. With its professional staff of more than 1,400 doctors, nurses, and other medical specialists, the hospital has been able to stay on the leading edge of medical technology and skill.

Mercy has just inaugurated a new oncology wing, a new emergency room, a new women's pavilion, and a new gastroenterology center. Also, the hospital has recently renovated and expanded its cardiac catheterization lab and initiated a hospice unit within its main facility. I commend Edward J. Rosasco, Jr., the president and CEO of Mercy Hospital and member of the foundation's board, for his leadership at this institution.

The Mercy Hospital Foundation and other community supporters help the hospitals in many ways. Listed below are the board of directors of the foundation. These people have

helped Mercy Hospital grow into the remarkable hospital that it is: Ralph J. Llopp, president; Dr. Ricardo Pines, vice-president; Janice Ramirez, secretary; Eugene Pesant, treasurer; Robert R. Belleny; Dr. Salvador Bonilla-Sosa; F. Otto Busot; Marta del Monte; Laurence Feingold; Robert A. Gusman; Raul F. Gutierrez, Sr.; Julio C. Iglesias; Gerda C. Janice; Stuart Leeds, DPM; Nancy Marquez; Nestor Martinez, M.D.; Rene V. Murai; Roberto Quinonez-Meza; Ralph Renick, K.M.; Teovaldo Rosell, Jr.; Alicia Suarez; Jose Valdez-Fauli, Sister Elizabeth-Ann Worley, S.J.J.

Mercy Hospital is paving its way to becoming an outstanding hospital in the 1990's and setting the standard for the 21st century.

EXPLANATION OF VOTE ON H.R. 2508, THE INTERNATIONAL COOPERATION ACT OF 1991

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. PEASE. Mr. Speaker, I again find myself in the unfortunate position of having to oppose this bill. I do so with a great deal of regret because I know that Chairman FASCELL and the members of the Committee on Foreign Affairs have worked hard to produce a bill which changes our approach to foreign aid. I commend the members of the committee for their effort.

A foreign aid program, and our foreign policy in general, should have an overriding principle that governs how it is administered. Section 101 of this bill explains reasons for foreign aid, and I think it is worth reviewing. It reminds us of the growing interdependence of countries and the need for all countries to participate in efforts to promote broad, sustainable development, that works toward the achievement of economic well-being for all people. Recognizing that many countries cannot marshal the necessary resources to accomplish these ideals by themselves, it expresses the need for the United States to take the lead in helping these countries.

I think this represents a well thought-out rationale for providing foreign aid.

The bill also outlines four objectives of U.S. aid to foreign nations. These objectives are to promote sustainable economic growth, improve the management of resources within these countries, alleviate poverty by developing the capabilities of the people of these countries, and promote democracy. Again, I think these objectives are laudable and reasonably lay out what the United States is hoping to achieve with our foreign aid program. More than that, it provides a basis on which we can defend this program to the taxpayers, who see the resources needed to address domestic problems getting smaller and smaller.

Unfortunately, the meat of the bill does not live up to the rationale it establishes. The bill authorizes $12.4 and $13 billion in spending for fiscal years 1992 and 1993, respectively. However, only $4.5 billion in 1992 and $4.7 billion in 1993 is provided for developmental assistance. The remaining money, which represents 64 percent of the total will go to provide assistance for military and special economic, political, and security conditions. This breakdown between developmental and nondevelopmental aid is no better than it has been for the past several years.

One example points out the need to reassess our foreign aid priorities. The United Nations Food and Agriculture Organization estimates that as many as 30 million Africans face severe malnutrition and starvation this year. I commend the committee for responding to this problem by authorizing $2.2 billion over the next 2 years for the Developmental Fund for Africa. This fund will surely help the men and women of Africa survive the famine and drought that has threatened many parts of this continent for the past decade.

On the other hand, it is disheartening to note that over the same 2-year period almost $13 billion in military and special economic support assistance will go to five individual countries. None of the $13 billion is directed at solving the African problem.

If we are committed to spending $25 billion on foreign aid over the next 2 years, then we should at least spend it in a way that is consistent with our foreign policy objectives. The bill before us today does not do that.

DEPARTURE STATEMENT OF RICHARD ARMITAGE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. CRANE. Mr. Speaker, I would like to take this opportunity to focus attention on the U.S. military base phaseout negotiations with the Filipino Government.

United States and Philippine relations have been strained recently over the issue of the possible elimination of United States military base presence in the Philippines due to the fact that the issue has been tied to concern over economic relations between the two countries. The Manila government fears that because of the base phaseout plan, there will be a decline in trade with the United States. As a result, they worry that there will be a slowdown in economic development due to the loss of preferential treatment given to the Philippines by the United States for hosting its military bases.

According to Richard Armitage, former Special Negotiator for the Philippine Base Negotiations, a base phaseout by the United States, would not directly correspond with a loss of economic activity. Since the Filipino Government may, in the end, choose to completely eliminate all United States military presence in the Philippines, Mr. Armitage reminds us that it would be in the best interest of both countries, "but especially the Philippines—to immunize our economic relationship from a bases relationship that is in decline."

I would like to commend the following "farewell" statement by Mr. Armitage to the people of the Philippines on May 3, 1991, to my colleagues.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 23, 1991.

Hon. PHILIP M. CRANE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN CRANE: Many thanks for your time and interest. I appreciate the attention of folks who care so deeply about national security affairs.

Enclosed please find a copy of the statement I issued when I bailed out of Manila. Any comments you could make which echoes this theme would be terrific.

I'll stay in touch and hopefully together we'll see this through to successful completion.

Sincerely,

RICHARD L. ARMITAGE,
Special Negotiator for the Philippine Base Negotiations.

DEPARTURE STATEMENT OF RICHARD ARMITAGE MAY 3, 1991

Mr. Armitage has asked me to express to the people of the Philippines, and especially to Secretary Manglapus, his very profound and heartfelt thanks for the manner in which he has been treated during his seven visits to Manila. Even before he undertook this mission he felt that he had many friends and colleagues in this country. Now he has many more. He would like to assure all of his friends, all who believe that genuine affection exists between Filipinos and Americans, that in his view the ties that bind our peoples as brothers and sisters will long outlast the political difficulties we now face.

When the PACT process first began, the Government of the Phillipines made clear its belief that the issue of military bases had come to occupy, in a very unhealthy way, center stage in the Philippine-U.S. relationship. The U.S. accepted at face value the evident desire of the Government to deemphasize the military bases aspect of this vital bilateral relationship.

Indeed, during the initial stages of our talks there was plenty of evidence that the Philippine Government meant exactly what it said. The U.S. was presented a termination notice. The U.S. was asked to remove its fighter aircraft. The U.S. agreed to turn over John Hay. The U.S. agreed to end its exclusive use of Clark. The U.S. accepted the idea of a phase-down which could lead to the total removal of its forces from the Philippines.

It is, therefore, dismaying at this late date to see the resurgence of the bases issue as the defining element in our relationship. Had it been asked, the U.S. would not have recommended that the Philippines make its economic relationship with the U.S. a hostage to the declining asset represented by bases. We believe that items like trade transcend bases. But if the Government wishes to link trade to a declining and perhaps disappearing bases relationship, it has every right to try to do so. There are, after all, other markets for textile and sugar exports beside the U.S. market.

In the course of replacing the 1947 Military Bases Agreement the Government of the Philippines has worked with the U.S. to create procedures which would lead, over time, to one of two outcomes: the removal of all U.S. forces from sovereign Philippine military bases; or a long-term access arrangement, including a scaled-down residual cadre of U.S. military personnel working with the AFP to facilitate ongoing training, repair and replenishment activities. The ultimate decision on phase-out or access would rest exclusively with the Government of the Philippines. The U.S. has no way of judging, much less dictating, what the choice of the

Philippines will be with respect to the long-term future of basing arrangements. Indeed, we cannot predict with any degree of assurance whether or not access to Philippine bases will be a part of our own strategic requirements at the end of the decade.

The Philippine side in the PACT process has taken the position that the continued use of Philippine military bases by U.S. forces delays, in some manner, the economic development of the Philippines, and that the Philippines is therefore entitled to be compensated for having foregone certain economic opportunities.

Although the U.S. side finds it difficult to imagine how the disappearance of U.S. forces would, in and of itself, cause the acceleration of economic development in the Philippines, it nevertheless accepts the proposition that in return for hosting U.S. forces the Philippines is indeed entitled to preferential treatment. When the President and Congress work together to allocate security assistance funding, the so-called "base rights" countries do in fact enjoy a very high priority.

At the same time, however, the Philippines receives consideration that transcends the issue of bases. There has been a great deal of speculation in the Manila press, for instance, as to whether or not Special Negotiator Armitage will agree to a proposition that the Philippines should receive something on the order of $400 million in a so-called "hard component." The fact of the matter is that in fiscal year 1991 the U.S. Congress appropriated over $556 million for the Philippines. The fact of the matter is that President Bush has requested virtually the same amount for fiscal year 1992. The fact that some of this money is appropriated for programs—such as the Multilateral Assistance Initiative—which have nothing to do with basing arrangements does not make the money any less real. The fact is that MAI is an extraordinary program that has been designed to meet the unique needs of the Philippines. Just because it does not "count" as an element of a formula pertaining to military bases is no reason to act as if it does not exist.

This is not an insignificant point. As a policy matter the U.S. has no problem in accommodating the desires of key MAI donors by making its own MAI contribution to the Philippines completely off-limits to any bases-related accounting exercise. As a practical matter it is not easy to explain to a U.S. Senator—particularly one whose state contains military installations slated for closure—why certain categories of assistance are quietly pocketed while others become the subject of very public demands.

So it is with the Philippine-U.S. relationship as a whole. Unprogrammed, supplementary assistance to the Philippines in the wake of EDSA, worth hundreds of millions of dollars, did not come as a result of bases negotiations. The fact that the Philippine textile industry does roughly $1 billion worth of business annually in the United States, and that the Philippines had an overall trade surplus with the United States of nearly one billion dollars last year, did not occur as a result of base negotiations. Indeed, if Filipino textile manufacturers want export quotas linked to bases, would they be willing to see their quotas disappear if and when United States forces leave?

The United States takes the position that a phase-out of U.S. forces from Philippine bases need not mandate the phase-out of a bilateral economic relationship that pumps billions of dollars into the Philippine economy every year. Yes, the United States is willing—at the request of the Government of the Philippines—to link certain categories of annual appropriations and other activities to its use of Philippine installations. Certainly grant funding for the AFP is one such category, budgeted at $200 million for fiscal year 1992. Would the eventual phase-out of U.S. forces mean the automatic end of U.S. security assistance, or the end of bilateral trade relationships? We hope not. Yet the process of piling more and more of this dynamic economic relationship onto the back of military bases (particularly under the guise of a so-called "soft component") seems to run counter to the idea that our two countries can interact cooperatively even if our military bases relationship eventually becomes history.

It has been repeated over and over in the media that the United States has brought no flexibility ot the compensation table in the PACT process. We recognize that it is a time-honored tactic in negotiations to chide one's opposite number for being insufficiently flexible. When these talks are finished, perhaps both sides will be ready to acknowledge that, tactics aside, each side did its best to accommodate the needs of the other; that each side moved a considerable distance during the negotiating process. The record will show a concerted effort by many different agencies of the U.S. government to strengthen this vital bilateral relationship in ways that both can and cannot be measured in dollars.

Nevertheless there is no denying that the U.S. budget is under severe pressure. The days of Presidents and congressmen offering massive new spending programs are long gone. It is regrettable but true that the combination of economic downturn and large deficits causes pressure on accounts that do not generate dollars for recirculation in the United States domestic economy. If we fail to meet the full aspirations of the Philippine side in these talks with respect to appropriated funds specifically linked to our tenure on Philippine bases, it does not mean that we are acting in bad faith. If we decline to link yet other economic aspects of our bilateral relationship to a scaled-down bases scenario, it does not mean that Philippine business people will lose their United States markets or fail to achieve expanded access. Given the fact that the Philippine government may opt, in the end, for a complete phase-out of United States forces, the opposite may be true. It would seem to be in the interests of both sides—but especially the Philippines—to immunize our economic relationship from a bases relationship that is in decline.

The United States side is, in sum, satisfied that it has done the best it can under current circumstances with respect to bases-related compensation. It has moved a considerable distance toward meeting the needs of the Philippine side since January of this year, when the issue was first tabled. Although no one will deny that the developmental needs of this country are great, and no one will begrudge the Philippine side for having tried to do its very best for the citizens of this country, the United States ability to meet these needs has its limit. The limit with respect to bases-related compensation has been reached. The United States position contains nonmonetary elements which provide the foundations for a new relationship which will benefit our peoples for many years to come. The ultimate question is not whether or not the United States is willing to go back to the well to produce more dollars which do not exist, or to tie extraneous economic activities to a basing tenure which, in a few years, may cease to exist. The question is whether or not the Philippines wants the new relationship.

A PROUD MOMENT FOR THE PEOPLE OF RUSSIA

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. COX of California. Mr. Speaker, last week, Boris Yeltsin was elected President of Russia in the first free Presidential elections in that country's 2,000-year history. This is a proud moment for the people of Russia, and a hopeful one for the people of the world. I'd like to share with you the text of a letter I wrote to President Yeltsin following his electoral victory.

HOUSE OF REPRESENTATIVES,
June 19, 1991.

President BORIS YELTSIN,
Republic of Russia,
Moscow, Russia.

DEAR PRESIDENT YELTSIN: I would like to take this opportunity to extend to you my congratulations on your election.

For the first time in Russia's 2,000 year history, the Russian people have freely elected their leader. You now face an awesome responsibility, but a marvelous opportunity as well. Under your leadership, Russia can emerge from the darkness of totalitarian dictatorship and chart a new course for all the peoples enslaved by communism throughout the world.

The task of rebuilding your nation after decades of communism will not be an easy one. After all, the old order remains in place and will not go quietly. Nevertheless, you can be sure of my full support—and that of the American people—for your struggle to bring freedom and democracy to Russia.

Good luck and Godspeed.

Sincerely,

CHRISTOPHER COX,
Member of Congress.

A TRIBUTE TO DR. JOSEPH B. MILLER

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. ROWLAND. Mr. Speaker, I am compelled to call to the attention of my colleagues in the House, and indeed the people of our country, a truly outstanding and dedicated fellow physician, Dr. Joseph B. Miller, Miller Center for Allergy, Mobile, AL.

I learned of Dr. Miller when I was seeking help for an autistic grandchild. That there could possibly be some relationship between various allergies and autism was a theory held by Dr. Miller. I also learned that this theory was held by other physicians, though not many.

After talking with Dr. Miller he agreed to see my grandchild. A visit to his clinic for 5 days revealed he had extensive experience with this type of problem. His method of testing and immunization is not traditional in the usual

sense of the word, but it is in my opinion very effective.

I spent some time talking with him and underwent some allergy testing myself, as did my daughter, who has severe allergies. The results that we experienced were very gratifying. The desensitization injections were mostly free of adverse side effects and relatively safe. They did not pose the likelihood of severe reactions that occasionally occurs with the more traditional vaccines.

Dr. Miller is a diplomate, American Board of Allergy and Immunology, a conjoint board of the American Board of Internal Medicine and the American Board of Pediatrics, and a diplomate of the American Board of Environmental Medicine.

He is the author of 43 publications, including two books, eight chapters in medical books, and 33 papers on original research.

Dr. Miller has distinguished himself with his contributions in the field of pediatrics, internal medicine, allergy and immunology, and the techniques which he had developed usually achieve the desired results.

Mr. Speaker, I tell you about Dr. Miller because he has so much to offer in the fields of allergy and immunology, and he is still fighting to get his theories and techniques accepted by the medical community in general. It has been a long and difficult fight for him. I believe that one day he will prevail, and he has my full support in this effort.

MIAMI GRANADA ROTARY CLUB INSTALLATION DINNER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Miami Granada Rotary Club which is holding its annual installation dinner this month. This organization, whose motto is "look beyond yourself," is a good example of the Rotary International clubs throughout the world.

Rotary International is the first and one of the most successful worldwide service organizations. It is an organization of business and professional leaders united to further international understanding and promote peace through charitable and education programs. It was founded in 1905 in Chicago, IL, and now includes more than 1.2 million members in 165 lands.

The Miami Granada Rotary Club is one of the few Rotary clubs that is truly international. Its membership is composed of native-born Americans, Cuban-Americans and those from other Latin American countries. Among the service projects the Miami Granada Rotary Club has participated in is "PolioPlus," an immunization effort to eradicate poliomyelitis by the 21st century. The Miami Granada Club has helped immunize children in the Dominican Republic from polio and other diseases, as its part in this worldwide effort.

Rotary International has allocated more than $200 million for polio immunization projects in 67 nations to protect more than 417 million children. Rotary International is distributing polio vaccines in developing nations as well as expanding current immunization programs. Rotary International has been awarded the UNICEF International Child Survival Award for its PolioPlus Program.

The Miami Granada Rotary Club is also helping build Mission San Juan in Miami's Wynwood area. This community center will provide a place for disadvantaged young people to participate in sports and other activities after school.

By its many activities, the Miami Granada Rotary Club has proven itself to be another one of what President George Bush called the thousand points of light. The Miami Granada Rotary Club and other Rotary International clubs have helped make America a nation that cares not only at home but also throughout the world.

I would like to take this opportunity to thank Past President Wayne Hill and the other new officers of the Miami Granada Rotary Club who will be installed this month: President Reinaldo R. Gonzalez; Vice President Julio S. Borges; Secretary Jose A. Martinez; Vice Secretary Frank Cabeza; Treasurer Eugenio J. Gonzalez; Vice Treasurer Manuel F. Lubian; Sergeant at Arms Antonio Brito; Director Pedro J. Romanach; Director Carlos Arteaga; Director Julian Asion; Director Daniel F. Calderin; Director Dr. Luis A. Quiroga; Director Pedro Alvarez Cepero; Director Gilberto Escalante; Director Dr. Atanasio J. Fajardo; Director Victor Floresmeyer; and Director John Hessling.

REMOVING FEDERAL PRESSURE ON STATES TO SITE HAZARDOUS WASTE INCINERATORS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. GEKAS. Mr. Speaker, across our Nation, State governments are being unduly pressured by the Federal government into siting hazardous waste incineration facilities. Fearful of provisions contained within the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 authorizing the President to withhold Superfund remedial action funds for any State that does not assure the availability of hazardous waste treatment or disposal facilities in an approved capacity assurance plan [CAP], many State governments have begun siting hazardous waste incinerators.

However, the information which is contained in State CAP's has been shown to be both incomplete and inaccurate. Recent congressional hearings have brought to light striking deficiencies in the current CAP systems. The EPA Director of the Office of Solid Waste and Emergency Response recently testified before the House Committee on Government Operations as to the extreme limitations and widespread inconsistencies of the CAP system in its present form. The Assistant Comptroller General for the Program Evaluation and Methodology Division in the General Accounting Office [GAO] reported to Congress that CAP's "reveal such serious problems of data definition, measurement, and data reliability, validity and consistency as to make them practically unusable."

Compelling State governments to site hazardous waste incinerations on the basis of data that is as flawed as that contained in present capacity assurance plans is an outrage. States must be removed as soon as possible from the threat of losing Superfund remedial action funds for noncompliance with current capacity assurance plans. Ironically, the program EPA has developed to protect public health and the environment from hazardous waste is presently posing the greatest threat to these entities.

In response to this situation I have introduced House Concurrent Resolution 167 resolving that the President should not withhold funds to carry out remedial action under section 104(c) (9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 until such time as the Administrator of the Environmental Protection Agency certifies the veracity and accuracy of all data in each State's capacity assurance plan. I call upon all of my colleagues in this body to join with me in working to prevent the unnecessary proliferation of hazardous waste incinerators across our Nation. Protecting the health of the constituents we represent and the environment in which they live and work is one of our greatest responsibilities.

TRIBUTE TO COL. ROY WILLIS

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. HANSEN. Mr. Speaker, Col. Roy Willis has served as the commander of Tooele Army Depot [TEAD] in Tooele, UT, since June of 1989 and will complete that assignment in July of this year. I would like to join with the people of Tooele in congratulating him on a job well done.

The past 2 years have presented TEAD with many challenges. Yet Colonel Willis' extraordinary knowledge of logistics and industrial operations coupled with his zealous application of sound management principles has allowed TEAD to meet those challenges and to prosper. Through his leadership, TEAD has a more proficient work force and has achieved savings to the taxpayer in excess of $40 million while still meeting vital mission objectives.

Colonol Willis' vision for the new Consolidated Maintenance Facility and his tenacity in assuring completion of the project will produce millions of dollars worth of cost svings each year well into the 21st century.

He has placed Tooele at the forefront in implementing the Department of Defense's Total Quality Management [TQM] Program. Colonel Willis has worked tirelessly in reducing the rate Tooele must charge its customers even though TEAD is required to pay for much of the equipment for the Consolidated Maintenance Facility from operating funds. The reduction of this rate has put TEAD in a most competitive position to perform work for the U.S. Army.

Colonel Willis has dedicated resources, manpower and dollars to the professional

training of managers and employees, which in turn, will pay dividends in increased efficiencies in years to come. He also recognized that the people of TEAD are its most valuable resource and has supported a recognition system designed to encourage and reward employee initiative. He has been an avid supporter of the Army's "Ideas for Excellence" and "Value Engineering" programs which will generate $8 million in savings this fiscal year.

Colonel Willis' outstanding performance of duty is in keeping with the finest traditions of military service and reflect great credit upon himself, Tooele Army Depot, and the U.S. Army. I wish him well in his future endeavors.

TWO-YEAR COLLEGES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. LEVINE of California. Mr. Speaker, I wanted to commend this following article to my colleagues' attention. It is important that all of us recognize the unique and vital role that community colleges play in our educational system.

[From the Los Angeles Times, May 25, 1991]

TWO-YEAR COLLEGES

Should community colleges force students who do not have high school diplomas to take entrance examinations?

After more than 20 years of teaching at the community college level, I say no.

In a recent Opinion piece (April 28), Columbia University doctoral candidate Becky Nicolaides complains about difficulties she had teaching American history at a community college. She states that many of her students were ill-prepared, and she wondered if they were lazy or apathetic. Possibly, Nicolaides was ill-prepared. Having a doctorate doesn't guarantee that a person will be a good teacher.

The door to higher education is always open to the rich, the well-born and the able. They have their private universities to attend. It's the working-class whites, Afro-Americans, Latinos and Asians who, mostly, depend on the public institutions—especially the community colleges—through which to gain entrance to higher education.

Congress made a mistake when ruling that community colleges should administer entrance examinations to all students without high school diplomas. Thanks to Reps. George Miller and Mel Levine there is a move to resolve this injustice in favor of the community colleges.

Testing to deny entrance to college learning is a cruel personal injury. Ideally, testing should be used as a tool to determine how best to help someone. Why test if there is no mechanism or program in place to help someone with deficiencies?

The two-year colleges in California are not "junior colleges." A junior college readies a student for transfer to a university. A community college does this and more. Some students attend a community college to gain a job skill or to better their life. The community college is a place of lifelong learning. Therefore, it should be judged solely on the percentage of transfers to the university level. In fact, I've had many university graduates from this country and others attend my classes.

I suggest that the next time you drive by your local community college, you roll down your window, point and say, "That's my college." For the community college is the most democratic institution of higher learning that this country has.

ROGER GRAHAM.

SECRET TRIALS AT ODDS WITH FUNDAMENTAL U.S. VALUES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. EDWARDS of California. Mr. Speaker, I want to bring to the attention of my colleagues an editorial from today's Washington Post. The editorial describes an outrageous provision in the President's crime bill that would allow the Justice Department to arrest and detain individuals who are not citizens, but who may be in this country legally, following a secret hearing of which the individual would have no notice and at which he would have no opportunity to appear. At a second proceeding to determine whether the individual has engaged in "terrorist activity," evidence could be presented that the individual would not be able to see or defend against. This proposal violates the basic tenets of our justice system, as the Washington Post editorial points out.

I am also introducing a letter sent to the President opposing the proposal, signed by the Nation's foremost authorities on immigration law and former general counsels of the Immigration and Naturalization Service from every administration back to the Johnson administration.

I commend the article and letter to my colleagues:

[From the Washington Post, June 19, 1991]

SECRET TRIALS

The Senate is about to consider a terrible proposal that would allow the government to hold secret trials leading to the deportation of certain noncitizens. It will come up as part of an assorted crime package moving to the floor this week. On the agenda are two crime bills, one supported by Sen. Joseph Biden and the Democrats, the other the administration's proposal sponsored by Sen. Strom Thurmond. Because the major features of both bills—the death penalty, habeas corpus revisions and changes in the exclusionary rule—have been considered in both houses recently, the Senate Judiciary Committee held only three perfunctory hearings this year—one on habeas, another on rural crime and a third to hear Attorney General Dick Thornburgh.

Incredibly, no hearings were held on the deportation proposal, which is new this year. Moreover, because the committee didn't even vote on these bills but simply sent both to the floor with recommendation, there is not even a committee report that evaluates this section of the president's bill.

The proposal is directed against aliens the government believes are engaged in "terrorist activity." It applies to all noncitizens, even those who have entered legally, lived here for decades and have children and other close relatives who are citizens. The bill uses a definition of "terrorist activity" that is broad and includes raising money for or urging others to join "terrorist organizations," though it does not define the latter term. That is a political decision left to the government, and presumably it could include groups such as Kurdish nationalists, Afghan rebels, Sikh separatists and the IRA. Spokesmen for the PLO are singled out in the statute as engaging in terrorist activity.

The administration bill would allow the Justice Department to go to a secret court and get an order for a special proceeding to deport such people. Targeted individuals would have no notice of this hearing and no opportunity to attend or be represented. They could be arrested and detained as soon as this petition was filed. At the special proceeding that followed, the government could present secret evidence—outside the presence of the alien and his lawyer—and could even withhold a summary of that evidence from the accused. Theoretically, appeals would be allowed, but again, the evidence used at the trial could be kept under seal and the appeal argued in secret.

Does this sound like a proceeding in an American court? It is a nightmare that could allow the worst kind of injustice. Though not a criminal trial, a deportation hearing involves severe penalties and must afford due process. There is not much that is good in either of the crime bills coming up for consideration—gun control is the exception—but this blueprint for a kangaroo court stands out. It's hard to see how anyone with any respect for the American idea of justice could support it.

JUNE 14, 1991.

President GEORGE BUSH,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: Your Administration rightfully protested the travesty of justice in Kuwait's political trials because the accused were not allowed to see, and therefore rebut, the evidence against them. We are perplexed, therefore, by the provision in your proposed crime bill that would create an unprecedented "secret trial" procedure for deporting foreign nationals in the United States—including long term residents—accused of "terrorism." As in Kuwait, secret evidence would be used and the accused would not even have to be told the specific charges against him.

We believe that this provision is unconstitutional, unnecessary, and unwise. It is unconstitutional because it contravenes the first principle of due process: those accused must have a public trial, and a fair opportunity to confront the government's evidence and an opportunity to refute it. Since the turn of the century, the Supreme Court has mandated that before the government deports any foreign national, it must provide due process of law.

This proposal is quite different from the procedures authorized under the Foreign Intelligence Surveillance Act. That Act provides for ex parte, in camera proceedings to authorize issuance of warrants for certain kinds of electronic surveillance. It nowhere authorizes the use of secret evidence to impose severe sanctions on individuals, as this measure would do.

Your proposal is also unnecessary. As experts in this field, we believe that the government already has ample authority to ensure that dangerous immigrants do not remain free and at large. For example, existing immigration law authorizes the Administration to deny visas to foreign nationals believed to pose a threat to our security and to exclude them at the border. Secret evidence may already be used in this context, but only because aliens outside our borders are held to have no constitutional rights.

New provisions, which took effect on June 1, 1991, specifically authorize the exclusion and deportation of foreign nationals believed to be engaging in terrorism. In addition, the government may deport immigrants who are convicted of a single crime of moral turpitude within five years after entry and sentenced to one year or longer; two such crimes at any time after entry; any aggravated felony; or crimes related to espionage, treason, or sedition. Moreover, if an immigrant truly is engaged in terrorist activities, surely criminal charges and a request of no bond would result. If convicted, the immigrant could be detained without bond until deported.

Finally, this proposal is profoundly unwise. Our nation has survived more than two hundred years without secret trials. Your Administration has been in the forefront of promoting a new world order, premised upon adherence to international law. Should we now, in the name of fighting terrorism, depart drastically from the very principles that we are so vigorously urging other nations to adopt?

We urge you to withdraw this Draconian provision from the pending legislation in which it is contained. The nation cannot credibly advance the fundamental principles of democracy abroad while at the same time eroding them at home.

Sincerely,

Prof. Alex Aleinikoff, University of Michigan Law School; Prof. Deborah Anker, Harvard Law School; Sam Bernsen INS General Counsel (1974–77); Prof. Carolyn P. Blum, University of California at Berkeley, Boalt Hall School of Law; David Carliner, Carliner & Remes; David Crossland, INS General Counsel (1977–81); Charles Gordon, INS General Counsel (1966–74); Prof. Ira Kurzban, University of Miami School of Law; Prof. David Martin, University of Virginia School of Law; Prof. Hiroshi Motomura University of Colorado School of Law; Prof. Gerald L. Neuman, Columbia Law School; Maurice A. Roberts, Editor, Interpreter Releases, Former Chairman, Board of Immigration Appeals; Paul Schmidt, INS Acting General Counsel (1979–81 and 1986–87), INS Deputy General Counsel (1978–87); Prof. Peter Schuck, Yale Law School.

LET'S STOP THE MINING OF OLD GROWTH REDWOODS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. STARK. Mr. Speaker, every working day old growth redwoods are chain sawed in northern California. These are not ordinary trees, but towering giants, often huge in girth, that have stood for centuries.

The cutting down of these immense, ancient trees cannot be considered normal timber harvesting. In many cases these trees have lived for more than a millennium, growing since well before the time of Christ. These trees are not a normal renewable resource.

Cutting down old growth redwoods is the depletion of a nonrenewable resource. As with the extraction of other nonrenewable resources, cutting old growth redwoods should be subject to a severance fee. As with gold, silver, or other valuable commodities, society should benefit when this nonrenewable resource is lessened.

Mr. Speaker, I am introducing a severance tax on the harvesting of old growth redwoods. This tax would be the amount of 75 percent of the value of the tree when harvested. Old growth is defined as those trees which are 150 years and older.

Pacific Lumber and other companies have suggested that they have planted large numbers of redwood seedlings. While this is commendable, I doubt that the companies are making an investment today that they hope to collect on in the year 2991. Their intention would be to harvest those trees as soon as they are commercially valuable, as quickly as 30 years after being planted. This is particularly true to Maxxam Corp., sole owner of the Pacific Lumber Co., which has to make monthly junk bond payments and has been harvesting old growth redwoods at double to triple the pace than was the case before the company was taken over.

Mr. Speaker, it is important that we pass this legislation to give all Americans some benefit when nonrenewable old growth redwoods are harvested.

COL. THOMAS L. SIEGEL: CITIZEN-SOLDIER

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. VENTO. Mr. Speaker, the freedoms assured within our Constitution, the law of the land, have been preserved by the dedication and sacrifice of many Americans who accept the rights and responsibilities of citizenship; our neighbors who, without fanfare, serve on juries, vote in elections, pay their taxes, and serve in the defense of our Nation.

Today, I want to share some observations and recognize Col. Thomas L. Siegel and his retirement from the U.S. Air Force. For 30 years, Colonel Siegel has served with distinction and has proudly served our country as a citizen soldier.

In June 1961, as Tom describes it, he was inspired by the challenge of President John F. Kennedy, who reminded us to "ask not what your country can do for you, but what you can do for your country." Tom Siegel sought and obtained a commission as an officer in the U.S. Air Force Reserve. He served on active duty in January 1965 as a judge advocate, within sight of the dome of the Capitol, at Bolling Air Force Base.

Upon completion of his active duty in 1968, Colonel Siegel could have easily set aside his uniform in the attic and concentrated his full time and attention to the practice of law and raising his family. Tom Siegel could have changed his hair style and joined in the many other diversions of the day, perhaps ignoring the turmoil of the time. Instead, Tom chose to remain in the active military reserve. During a time when it was perhaps unfashionable, indeed, controversial, to wear a uniform in public, Tom Siegel proudly continued to give of his time to his country. That meant time away from his job and his family while he continued to serve in the U.S. Air Force.

For the past 30 years, Tom Siegel has served as a true citizen-soldier in the best American tradition. He served diligently and applied his considerable skills and talent as an attorney to assist the Office of the Judge Advocate General.

He made a real difference. In 1980, he was awarded his first Meritorious Service Medal in recognition of his contributions to the Air Force. Tom Siegel was promoted to the rank of colonel in 1985 and was appointed to the position of reserve advisor to the judge advocate of the 8th Air Force. He played an important role in implementing changes to the judge advocate training regulations from which Colonel Siegel was able to assemble and marshall over 70 citizen-soldier attorneys to train side by side with active duty judge advocates at the 14 legal offices then within the 8th Air Force. As a direct result of that effort, these attorneys were fully trained and ably served extended tours of active duty in fact supporting Operation Desert Shield and Desert Storm.

During his 4-year reserve assignment with the 8th Air Force, Tom Siegel devoted an impressive 70 working days a year in service to our country. In 1989, Colonel Siegel was awarded his second Meritorious Service Medal.

Such exemplary service and devotion to our Nation by Tom Siegel and many citizen soldiers like him who have proudly worn the uniforms of our military services have not been without personal sacrifices. Special recognition is due to the spouses and children of those who serve in our military and reserve units, such as Ruth Siegel, son Peter, and daughter Karen, who over the years sacrificed personal quality time with her husband, their father, when he put on the uniform and left home to train with the Air Force.

To Col. Thomas L. Siegel, and to all citizen soldiers like him and their families, I offer a very special "thank you." I'm proud to have Tom Siegel as a friend and, most importantly, want to express my appreciation for all of the contributions he has made the past 30 years; a task and service well done. Thanks, Tom.

50TH WEDDING ANNIVERSARY OF MR. AND MRS. EDWARD ROWINSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary couple from the Fifth Congressional District of Illinois, Edward and Helen Rowinski, on the occasion of their 50th wedding anniversary. They were married at St. Casimir's Church in Chicago, on June 24, 1941, and are a role model of the family strength and solidity which has made America great.

Helping the Rowinski's celebrate their Golden Anniversary are their three children, Theresa, Bonnie, and Michael. In addition, they have six grandchildren: Tom, Valerie, Pamela,

Sherry, Carly, and Dana who will make this occasion a celebration of family unity.

Their commitment to each other and their family is impressive and deserving of special recognition and honor. I am sure that my colleagues join me in congratulating Edward and Helen Rowinski, on their many years of love and commitment. May their life together continue to be full of joy and offer them many pleasant memories.

SOVIET JEWS DESERVE FAIR EMIGRATION POLICIES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. DELLUMS. Mr. Speaker, I take to the well today to bring attention to an injustice that is occurring in the Soviet Union. This injustice being the Soviet Government's refusal to allow freedom of emigration for its Jewish citizens.

Soviet Jews are increasingly receiving consent to emigrate outside of the U.S.S.R. but, more often than not those allowed to leave are only released to please Western countries who have rallied to their sides.

It appears the Soviet Government has made progress in trying to democratize its country, and I believe that they have made a genuine attempt at reaching their democratic goals. In light of this new democratic vision, Soviet Jewish emigration needs to be reevaluated. The very existence of refuseniks, and the continued practice of arbitrary refusals prove that there is still a considerable amount of progress that needs to be made before there is free, uninhibited emigration out of the U.S.S.R.

Traditionally, guidelines for emigrating from the Soviet Union have been very strict. In the past, emigration out of the U.S.S.R. was allowed only in cases of family reunification and even then, there were no guarantees. Since the 1970's, the Soviet Government has turned down emigration requests of many Jewish citizens because they allegedly possessed state secrets. This label not only bars emigration, it also bars other family members from emigration or travel outside the U.S.S.R. Although international standards dictate that a person cannot be accused of possessing a state secret if they have been away from their jobs for over 5 years, Soviet officials continually ignore this guideline. This is clearly an unjust and dictatorial policy.

In recent years, the restrictions on emigration and travel have eased considerably on the Federal level, as reforms have made their way into the system. Unfortunately, some state and local officials still have the power to thwart emigration and in many cases they are now setting up road blocks and making it very difficult for Jewish citizens to obtain permission to emigrate.

If a prospective emigrant does manage to get clearance from local and Federal officials there is yet another obstacle to get around. If a family member, who is remaining in the U.S.S.R., objects to the request, that is considered sufficient grounds for refusal. This system gives a relative, who may not know or like a person, the authority to undermine the persons future.

Gregory Applebaum is a 70-year-old union leader who wants to emigrate to the United States. Mr. Applebaum applied for permission to emigrate on two occasions and both times he was denied on the grounds that he possesses state secrets. His son Jacob was allowed to leave in 1980 but, when Jacob's wife, son, and mother-in-law applied for permission they were all denied. Soon after their requests, Mr. Applebaum was dismissed from his position as vice director of a large union in the electronics industry. His wages were cut by 70 percent and he was demoted to the job of semiskilled laborer.

The use of arbitrary refusals is a clear violation of international human rights standards. Freedom of movement is a fundamental right of every human being and one that should not be left up to the discretion of a bureaucrat or a distant relative.

Mr. Speaker, it is on these grounds that I feel compelled to bring this matter to the attention of my colleagues. It is our obligation as the foremost example of democracy in the free world to voice our disapproval of this policy.

I believe that every country has the right to protect state secrets. However, we cannot afford to let it be used as an excuse to deny basic human rights. I am convinced that there is a way for the Soviet Government to protect its secrets and to allow free emigration.

CELEBRATING JUNETEENTH DAY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. ASPIN. Mr. Speaker, today, June 19, is a most important day in history for all Americans. On this day in 1865, Maj. Gen. George Granger landed in Galveston, TX, to deliver President Lincoln's declaration that all slaves were free. The celebration commemorating this day, Juneteenth Day, has become a major event in cities all over our country including Beloit, Racine, and Milwaukee.

Now, 126 years after the African-American people's freedom from slavery, we are still talking about civil rights. Unfortunately, equal rights and equal treatment are still not a reality—not only for African-Americans but for women and other groups which have experienced discrimination throughout the history of our country.

The most important measure attempting to deal with civil rights in 1991 is H.R. 1, the Civil Rights and Women's Equity in Employment Act. The House passed the bill June 5 and now it's awaiting action by the Senate. However, President Bush has vowed to veto the version passed by the House.

Several substitutes of the bill were introduced in the House this year—including one offered by the Congressional Black Caucus of which I am an associate member. This was the Towns-Schroeder substitute. It was the most fair and honest version of the bill, and I voted for it. Unfortunately, it failed to pass the House by a vote of 152 to 277. This version of the bill would have returned to the pre-1989 law which required the employer to prove that it did not discriminate. Also, it would have placed no cap on damages victims of discrimination could receive.

The substitute which did not pass was a bipartisan compromise which overturned all five 1989 Supreme Court decisions and returned the burden of proof to the employer. Although the Towns-Schroeder substitute was a better bill, this version was acceptable, and I am pleased that the House passed this version with my support.

H.R. 1, then, passed the House by a vote of 273 to 158—less than the spread we had hoped for, but it passed. It's not enough though—in fact, 15 votes short—to override the President's veto.

If this historic legislation is to pass, the President needs to hear from all Americans.

But, regardless of what happens to the 1991 Civil Rights and Women's Equity in Employment Act, we have to keep working to improve our neighborhoods in our inner cities:

Through Citizens for a Better Community and the VISTA Program,

Through city initiated programs such as the foot patrol and code enforcement,

Through employment programs like Rock County OIC,

Through crime prevention programs like PYD [Positive Youth Development], and

Through the Beloit Inner City Council on Substance Abuse to counteract drug and alcohol abuse, as well as many other excellent programs.

All Americans must stay on top of it and pull together. The problems are too big to be handled just by government alone.

We need everyone working together to solve the problems of drug and alcohol, neighborhood deterioration, teen pregnancy and unemployment—especially among our black males.

Families need to support each other. And, where families are unable to do so, neighborhoods, churches, and communities need to step in. We need to build again from the bottom up.

African-Americans, all minorities, and all Americans need to band together if we're going to win back our cities and make them secure and comfortable places to live in again.

I know that the Merrill neighborhood in Beloit has suffered from some terrible experiences in the past including the recent murder of Stevie Cartwright. Those kinds of tragedies are happening all over our country. We all have to do our part to make certain that the criminals are brought to justice. If we want our neighborhoods to be free of crime, we need to send the message out that criminal activities will not be tolerated. And, we need to pass the message on to our youth. Don't forget, the best way for our youth to learn is by example.

I understand that the Beloit Inner City Council on Substance Abuse and the entire Beloit community lost a very good friend this week—Mardella Shipp. Mardella was the person who never took no for an answer. She saw a need, she organized, and she worked tirelessly to combat drug and alcohol abuse in our neighborhoods. She cared. Mardella's the kind of role model we need to learn from—the kind of model we need to emulate, and, we mourn her passing.

I stand with all the people who are celebrating America's freedom from slavery today. I remain committed to the civil rights of all Americans and hope that as citizens of the United States, we all can learn to recognize that surely there is more that binds us than divides us.

The celebration of Juneteenth Day signifies not only the African-Americans' freedom from slavery, but the triumph over all prejudices which haunt our Nation. Let's all remain committed and work hard to eradicate hatred, bigotry, and racism from every corner of these United States.

RETIREMENT OF RICHARD J. "DICK" JONES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. MONTGOMERY. Mr. Speaker, on July 1, Mr. Richard J. (Dick) Jones, district counsel of the regional office in Waco, TX, will retire after 24 years of exceptional Government service. It is generally agreed that Dick Jones is one of the most outstanding district counsels in the Department of Veterans Affairs and I would like for my colleagues to know about his service and his background.

Dick Jones served in the U.S. Army from July 1953 through June 1955. After his discharge, he worked as a claims adjuster while attending law school at night for 5 years under the GI bill. He practiced law until he was appointed as a general attorney in the Chief Attorney's Office, Waco, TX, in April 1969.

Dick was promoted to chief, field legal section, in March 1972 and then became the assistant district counsel on January 1, 1976. On January 15, 1978, he was appointed district counsel. He has provided outstanding leadership to his office and has been a frequent consultant to other district counsels, especially on medico-legal issues and in dealing with management problems. He has distinguished himself in the quality of his legal services and in planning, directing, and supervising the operations of his office. His work involved the life, liberty, and property rights of hundreds of thousands of individuals. It often involved complex issues and challenges and required special efforts, dedication, and long hours of hard work.

Dick has met these challenges with distinction, Mr. Speaker. He has represented the VA very capably and has maintained excellent relations with court officials, attorneys, the Veterans Health Administration, VA regional office personnel, and the private sector. He is respected by other district counsels as well as the central office staff of the general counsel for his outstanding expertise in legal matters and his efficiency, versatility, and dependability. He is a true professional and has served the VA well.

Mr. Speaker, our committee has worked closely with Dick Jones over the years and members of our committee staff have relied on his expertise and counsel on a variety of issues before the committee. His knowledge of the system and his keen legal mind have served all of us very well. He will be greatly missed by his colleagues in the Department of Veterans Affairs but he has earned his retirement. Mr. Speaker, as he leaves the Federal Government, I join his many friends throughout the system and the State of Texas in wishing for him and his family a happy, healthy retirement.

TROPICAL DEFORESTATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 19, 1991 into the CONGRESSIONAL RECORD:

TROPICAL DEFORESTATION

While most Americans rank oil spills and pollution from hazardous waste as major ecological threats, a recent government panel of scientific experts gave much higher priority to deforestation causing habitat destruction and species extinction. Scientists are especially concerned about the loss of forest in the tropics because of the rich variety of plant and animal species lost and global warming.

The Problem: Each year 40–50 million acres of tropical forest—the size of the State of Washington—are destroyed by human activity. The most rapid deforestation is taking place in Brazil (which contains 30–40% of the remaining tropical rainforest), Indonesia, and Zaire. The deforestation rate jumped 80% between the late 1970s and the late 1980s.

Although tropical forests cover only 7% of the earth's surface, they contain 50–75% of all animal species. The forests are rich storehouses of genetic diversity, which can be used to reduce the susceptibility of cultivated plants to major blights and to cure diseases. A plant in Madagascar, for example, is the basis for medicine used to treat childhood leukemia. One fourth of the prescription drugs used in the U.S. are derived from tropical forest plants. Yet by some estimates, 10,000 tropical species are being lost every year, many before they are even catalogued. Tropical forests also help control flooding and erosion, and help regulate the amount of carbon dioxide in the atmosphere. Widespread deforestation contributes to changing regional weather patterns, and, as the trees are burned, to global warming.

The principal causes of tropical deforestation are clearing the land for crop production and cattle ranching, commercial logging, and cutting trees for fuelwood. Throughout the topics, developing nations are struggling to feed their people and raise cash to make payments on their international debt. Debt of developing countries increased from just over $50 billion in 1970 to $1.2 trillion in 1990. The world population, currently 5.4 billion, is increasing by 800 million each decade, straining the world's resources.

Some of the arguments for protecting the forests can at times be overstated. For example, many tropical forests are not the dense jungles teeming with exotic wildlife we often envision; instead most of the species they contain are insects, and dry tropical forests look like typical U.S. forests. And while deforestation is an important source of global warming, it contributes far less than fossil fuel use by industrialized countries. Yet there is a growing recognition, even in the major deforesting countries, that a valuable resource is being lost.

At times it may make sense for a developing country to cut down a portion of its forest in order to boost economic growth and raise the standard of living. Yet the particular concern about tropical deforestation is that in many cases much is lost and little is gained. Tropical forest soils typically are not amenable to farming because most of the nutrients are found in the vegetation rather than the soil. So the pattern is often clearing the land, depleting the soil within a year or two, and moving on to clear another stretch of forest.

Basic Strategy: The basic conservation strategy is to try to keep 5–10% of the world's rainfall pristine, as untouchable biological reserves, surrounded by a buffer zone in which there are limited, sustainable uses of the forest.

One important and rapidly growing use of the surrounding area is ecotourism—using naturalist guides for tours into the rainforest. Another use of the surrounding area is sustainable logging, in which the forest remains largely intact with only a few trees removed per acre each year. Attention is also being given to developing products that can be extracted from the forest without cutting the trees. Tropical forests are being inventoried for valuable products such as rubber, nuts, and medicinal plants. Recent uses range from ice cream made with rainforest nuts to latex coating for golf balls. The basic idea behind alternative uses is to give local people an economic reason for protecting the forest. There is a growing consensus that environmental protection must make economic sense and that development must go hand in hand with preservation.

Policy Steps: Many steps to improve preservation of tropical rainforests need to be taken by the countries themselves. For example, they should reduce tax incentives and land title policies that encourage cutting the trees, provide better enforcement of their forest protection laws, and expand education programs so local people appreciate more fully the value of the forests.

The Congress addresses tropical deforestation primarily in foreign assistance legislation, and has given it increasingly higher priority in its development assistance programs. Yet maintaining current funding levels will be difficult, as the federal budget is tightened and pressures appear for new priorities, such as assistance to Eastern Europe. Despite the overall squeeze in development assistance, U.S. funding specifically for international forestry protection programs has increased in recent years, and that trend should be continued.

Other helpful steps include trying to expand debt reduction and encouraging more debt-for-nature swaps, under which Third World loans are purchased at a discount and retired in exchange for conservation measures. We should also consider reducing trade barriers to those countries taking steps to preserve tropical forests. We should continue to press the World Bank and other multilateral lending institutions to promote environmentally sound development, and should continue to help developing countries reduce their birthrates. Finally, we should get our own environmental house in order. Our effectiveness in getting other countries to preserve their tropical rainforests has been undercut by U.S. policies which do not preserve our forests.

Despite the challenges, there are encouraging signs that the overall rate of tropical deforestation is slowing. International recognition of the importance of these unique natural resources is growing, and that is having the spillover effect of increased concern about better management of forests of all types. A 1992 United Nations conference in Brazil on the environment could well result in a broad international treaty on forest management.

CITIZENS COMMITTEE HONORED BY WETLANDS AWARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to honor a very special group for their work in support of the environment. The Citizens Committee to Complete the Refuge is a group of individuals who have committed themselves to the important task of wetlands preservation.

In recognition of their efforts, the Citizens Committee has been chosen to receive the prestigious National Wetlands Conservation Award from the Fish and Wildlife Service.

The Citizens Committee is receiving this award as a result of efforts to conserve and restore wetlands to benefit wildlife and other resources. The committee's goal has been to preserve the remaining wetlands of the San Francisco Bay area by placing them in public ownership.

As many of you know, the San Francisco Bay National Wildlife Refuge has special importance to me personally. In 1972, I sponsored legislation that created the refuge, and did so again in 1988 to authorize the expansion of the refuge by 20,000 acres. However, it was the Citizens Committee that provided the much-needed grassroots support that was vital to the bill's success. Through the tireless efforts of scores of volunteers, the committee was able to unite local environmental groups, local governments, public officials and the bay area congressional delegation in support of this cause. These efforts provided me with a constant source of information and inspiration in my efforts to shepherd the bill through the legislative process.

The refuge expansion bill was only a beginning in the drive to preserve bay area wetlands. As over 90 percent of California's wetlands have disappeared, the work of groups like the Citizens Committee is now more important than ever before. The committee is currently focusing its efforts on Blair Island in Redwood City and Marin Islands off the San Rafael shoreline. These land parcels are particularly precious as they would provide much-needed habitat to the native birds of the San Francisco Bay area, such as the endangered California clapper rail and several species of herons and egrets.

The success of the San Francisco Bay National Wildlife Refuge and the protection to wetlands it provides is a tribute to the willingness of the members of the Citizens Committee to devote their time and energy to the task of wetlands preservation. They have demonstrated a strong commitment, enduring patience and perseverance to the work they perform. I can think of no other organization more deserving of the National Wetlands Conservation Award, and I am proud to see the Citizens Committee singled out for this honor.

THE PASSING OF HERBERT O. REID

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. DELLUMS. Mr. Speaker, the civil rights movement has lost one of its most illustrious advocates, and I have lost a good friend, with the passing of Herbert O. Reid.

Herb was one of the legal titans who graced the Howard Law School faculty during one of the most memorable periods in this Nation's history. During the fifties and sixties Herb Reid was one of those lawyers who profound knowledge of the law and intense commitment to the cause of true justice for all in a multiracial society helped change the core of American society across a broad spectrum, in both the public and private sector.

Herb's sage advice and shrewd insights on human nature made him a revered counselor to a younger generation of civil rights activists and the founding members of the Congressional Black Caucus. He was a man to be trusted in every respect, because he kept his word and he kept his own counsel.

Herb was also a great friend of, and to, this capital city. He was a grey eminence in the best sense of the term in the struggle to achieve home rule for Washington, and he worked closely with me through the years to expand the scope of self-determination for all its citizens.

Most of all, Herb was a friend indeed to all who sought his counsel and the warmth of a truly giving spirit. His quiet humor was a source of constant encouragement, especially during those times that try all our souls. He was a prince among men—and he will be missed by all who knew him. I am one of those who knew him—and who revered him as a wise counselor and who treasured him as a caring friend. I thank you, Herb, for those shared moments in time. You can rest assured that we will try to carry on in your name to achieve the goals of true equality for all that you did so much to advance.

NATIONAL BOARD FOR TEACHING STANDARDS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. WILLIAMS. Mr. Speaker, I am pleased to introduce today a bill to authorize funds for the National Board for Professional Teaching Standards.

During the past decade a number of reports have focused attention on the state of America's education system. A number of people have been involved in discussing this issue; the President and our Nation's Governors have established national education goals to be achieved by the end of this century. A necessary ingredient of each of these reports and all of these goals is a good teacher in every American classroom. Yet all too often we overlook or ignore the importance of this.

One of the education reform reports of the past decade did not overlook teachers. In 1986 the Carnegie Forum on Education and the Economy issued an impressive report entitled "A Nation Prepared: Teachers for the 21st Century." Among the recommendations of that report was a call for the creation of a National Board for Professional Teaching Standards.

The call for the creation of this national board did not go unheeded. In the fall of 1987, with the encouragement of the Carnegie Forum, the board was established as a private, nonprofit organization. It is currently composed of 64 members representing a wide array of backgrounds and interests, including education, government, and business. More than half of the board's membership is made up of practicing classroom teachers. Leaders of industry such as David Kearnes of Xerox are board members. The Governor of Iowa is a board member. The former Governors of North Carolina and New Jersey are board members.

The board has done fine work in assembling a very diverse and distinguished group of individuals who have put together a framework for action and have developed consensus within the education and business communities about the need for treating and recognizing teachers as true professionals. This is an important development, and one that holds real promise for upgrading the image of teachers and professionalizing our teaching ranks.

The bill I am introducing today with my colleague from Missouri, Tom Coleman, provides Federal assistance for the research efforts that the board will be undertaking. Our bill amends title V of the Higher Education Act to provide funds to enable the board to conduct independent research and development related to the establishment of voluntary, professional standards and assessment methods for the teaching profession. Such Federal assistance is to be matched on a dollar-for-dollar basis with private funds. The bill authorizes $20 million to be available for these research activities of the board to be spent over the next 5 years.

The legislation includes provisions to guarantee the integrity if the research that will be undertaken by the board, provisions for an independent evaluation of the board's activities with a special focus on the impact any assessments might have on minority teachers, and provisions to ensure that Federal funds are used only for research and development activities, and not for administrative purposes. A priority in such activities is given for research relating to the teaching of mathematics, the sciences, foreign languages, and literacy, as well as for special education populations, including limited-English-proficient children, gifted and talented children, children with disabilities, and economically and educationally disadvantaged children.

It is estimated that it will cost $50 million to carry out the research and development activi-

ties necessary to put in place the assessment methods for classroom teachers that the board envisions. The bill I am introducing today authorizes $20 million in Federal assistance for that effort. Congress has already appropriated $5 million to underwrite the initial portion of the board's research activities. The board has begun a private fund-raising campaign to secure the rest of the money that will be needed to complete its work. This is a wonderful example of an important and useful public/private partnership.

In closing, it is important to note that with this legislation we will not be endorsing any Federal certification of teachers. We will not be interfering with local curriculum decisions. We will not be infringing upon the rights and responsibilities of the States to license teachers nor upon the practice of home school or private school teaching. In fact, the legislation contains specific prohibitions against any such Federal activity. This legislation maintains the time-honored tradition that decisions regarding teacher qualifications and certification procedures must stay at the local and State level.

What we are endorsing through this legislation is a proposal to recognize classroom teachers as professionals, to provide a means for teachers to attain professional stature, and to enhance our children's educational experience by keeping the best and brightest of our teaching cadre in the classroom. This is an important task indeed, and I ask my colleagues to join us in this effort.

OFFICERS ON PATROL

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. MANTON. Mr. Speaker, as a former police officer for the city of New York, I am very proud to bring to my colleagues' attention the heroic efforts of four fine young police officers of the New York City Transit Authority Police Department. These brave and dedicated individuals are being honored on June 20 by the Forest Hills Jewish Center for their roles in apprehending six suspects in a double homicide.

Mr. Speaker, Sgt. Thomas Paccione and Officers Danny Calemine; Gerard Pappas; and, Vincent Parry; will be presented with the Forest Hills Citizens on Patrol Crime Stopper of the Month Award for their quick thinking and daring action in apprehending several heavily armed and extremely dangerous suspects. Operating undercover on a robbery detail, these valiant officers were able to respond immediately to an execution-style shooting which left two dead, one near death and another in serious condition. Their very professional response to this dangerous situation enabled them to apprehend the suspects without resorting to the use of their own weapons and, therefore, avoiding further risk to innocent bystanders.

The composure and professional response exhibited by these officers cannot be overstated. Having walked a beat myself, I know firsthand the pressures and dangers associated with police work. When you are out on the streets responding to an emergency situation or a crime in progress, you must act instinctively and quickly. I do not believe the average citizen can truly appreciate the rigors of police work, nor recognize the fact that each and every day these dedicated public servants put their lives on the line for their communities.

The Forest Hills Citizens on Patrol Crime Stopper of the Month Award is a very fitting acknowledgment of their efforts as individual officers. I believe such awards also serve an important role in reminding our public safety officers that the average citizen is truly appreciative of the role they play in keeping our communities safe.

Mr. Speaker, we often forget that police officers and other public safety officers are also individuals, with lives of their own outside of the department. They have families and loved ones who must live with the dangers associated with this public service.

Sergeant Paccione is 41 years of age, and has served with the transit police department for 17 years. During his service he has earned letters of commendation and merit, the unit citation and received the meritorious police duty award. Tom and his wife Adeline have two children, John, 15, and Eddie, 11.

Officer Calemine was born in 1964, and has been with the department since 1986. Since becoming an officer, he has garnered several letters of commendation and a letter of merit. Danny, and his wife Mercedes have two children, Nicole, 6, and Danny, 1.

Officer Pappas is 28 years old, and he has been with the department for 6 years. He has received a letter of merit and has been recommended for the honorable mention award and the distinguished duty medal. Gerard and his wife Tina have two children, Gerard, 7, and Nicole, 3.

Officer Parry joined the transit police in 1973 when he was 21. His commanding officer has high regards for his work, and he has earned letters of commendation and merit, the unit citation and the meritorious police duty award. He has also been recommended for a number of other honors. Vincent and his wife Mary also have two children, Christopher, 15, and Michele, 9.

Mr. Speaker, we in Congress often talk about the need to get tough on crime. We debate and act on many pieces of legislation to reduce crime and remove violent criminals from our Nation's streets. But, it is the average police officer, such as these four hard-working and dedicated individuals of the New York City Transit Police Department, who are the real crime fighters. They deserve our support, encouragement, and recognition.

Mr. Speaker, it will be my great honor in participating in Thursday's ceremony honoring these heroic individuals.

TRIBUTE TO SHARON AND DAVID PORTMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, June 23, 1991, the Jewish Family and Children's Service will pay tribute to two of the most illustrious and most caring members of the Monmouth County, NJ, community: Sharon and David Portman.

Mr. and Mrs. Portman are being honored for their many years of kind and generous contributions to both the Jewish community and the community at-large. The list of their affiliations and associations is indeed a long one. What is truly significant is the fact that the Portmans have not simply lent their names to various organizations and causes. They have shown skillful leadership and unselfish devotion to a variety of civic and philanthropic endeavors that have enriched our community.

Among her many activities, Sharon Portman is a past president of the Jewish Federation of Greater Monmouth County, the Eatontown, NJ, Chamber of Commerce and the Monmouth-Ocean Development Council. David Portman, among his many community service accomplishments, has been a leader in the Operation Exodus movement to bring Jewish citizens of the Soviet Union, who face bleak lives filled with uncertainty, to live in the State of Israel. Indeed, efforts to support Israel have been a major focus of the Portmans' attention. They have taken on a unique leadership role in supporting development of the beautiful northern Israeli city of Zefad, helping in the construction of a community center for that city.

Jewish Family and Children's Service is one of the leading social service agencies in the area I represent, so the recognition that they are bestowing upon the Portmans is a true indication of the great contribution that they have made. It is, for me, a great honor to join in paying tribute to these fine citizens and wonderful friends.

CONGRATULATORY LETTER TO PRESIDENT-ELECT YELTSIN

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mrs. VUCANOVICH. Mr. Speaker, I include the following letter of congratulations to President-elect Boris Nikolavich Yeltsin:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 19, 1991.

Hon. BORIS NIKOLAVICH YELTSIN,
President-Elect, Russian-Soviet Federated Socialist Republic, Moscow, Russia.

DEAR PRESIDENT YELTSIN: As a U.S. Congresswoman I commend you for your great victory. It's obvious that the Russian people identify their emancipation from tyranny with the liberation of Russia from Soviet rule. It's also obvious that the U.S. foreign policy must change to reflect this new reality.

With your election, Mr. Yeltsin, the republican liberation movement is no longer a force which chips away at the edges of the communist state, nor will it be ignored by Western governments. Now, the Russian people have chosen a leader who will represent their needs, rather than the needs of the Party.

I am pleased with the results of the election and wish you much success in your new role as President. As a representative of the

people here in the United States, I look forward to a continued healthy working relationship between our government and yours.

Sincerely,

BARBARA F. VUCANOVICH,
Member of Congress.

A VOTE FOR FREEDOM

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Ms. MOLINARI. Mr. Speaker, today I want to call attention to the continued troubling news out of Yugoslavia regarding the human rights violations in the small province of Kosova.

Over the past few years, this province, which consists primarily of ethnic Albanians in southern Yugoslavia, has been forced to endure a repressive campaign waged by the neighboring government of the Republic of Serbia. There have been hundreds of separate incidents where ethnic Albanians have been arrested, beaten, tortured in prison, and subjected to mass firings from employment based on their ethnicity by the Serbian-controlled authorities.

As a signatory of the Helsinki Final Act, Yugoslavia has begun to make positive strides toward human rights in many of its other republics. However, both the State Department and Amnesty International have been highly critical of the ruling Serbian authorities and their unforgiving human rights violations which continue in Kosova.

Today's foreign aid authorization bill includes language approved by the full committee which would allow the people of Kosova to "hold free and fair elections and be able to retain their original autonomous status."

It is my sincere hope that each of us will extend America's spirit of free democracy to the people of Kosova. I urge members to oppose the Kleczka amendment which cuts language in this bill supporting free and fair elections as well as the ability to retain autonomy in this region. Send a message of American commitment to continue the movement toward more human rights and freedoms throughout Eastern Europe. Vote "no" on the Kleczka amendment.

CONGRATULATIONS TO 1991 BASEBALL BULLDOGS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. POSHARD. Mr. Speaker, I rise today to congratulate the baseball Bulldogs of Harrisburg High School. Not long ago, I brought to your attention the Bulldogs winning the 1989 Illinois Class "AA" baseball championship. This year they finished second in the Class "A" Illinois High School State Baseball Tournament, coming within a break or two of becoming the first team ever to win a championship title in both the Class "A" and Class "AA" categories.

The Bulldogs started the season as impressively as they ended it, winning 10 of their first 11 games with 9 of them consecutively. Long winning streaks were not uncommon for the Bulldogs. Three times during the season they were able to compile streaks of nine or more games. One of these runs includes their bid for the championship where they were vying for their 10th in a row.

Going into the final game the Bulldogs were a team that was undaunted and eager to face their foe. The game was a hard fought contest, and even though the Bulldogs were defeated, they carry their heads high with pride in their accomplishments.

These young men show the dedication and leadership that will help them excel throughout their lives. The commitment that they have given to the game of baseball will prepare them for the future; whether on the playing fields, the classrooms, or the work force they will be able to make the best of the situation and come out a winner.

I am proud to be able to represent these fine young individuals in Congress and I am pleased to include for the RECORD the names of all those who helped to make this possible.

Randolph Tinder—superintendent, Gary Gordon—principal, Jim Collins—athletic director, Jay Thompson—head coach, Fred Barnes—assistant coach, Josh Banks, Chris Healy, Mike Cartwright, Terry Tripp, Brian Banks, Brent King, John Cannon, Jon Davis, Joe Beard, Chris Lucas, Chad Brown, Shannon Rider, Brandon Frantz, Ron Boston, Ashley Gott, Matt Clark, Jeremy Guest, Jay Herring, Nicole Cody—bat girl, and Curt Felton—sports editor.

SECTION 936 MUST BE MAINTAINED IN ITS ENTIRETY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. PORTER. Mr. Speaker, the Tax Reform Act of 1986 expands section 936 of the Internal Revenue Code to allow funds realized under this section to be used to finance projects in nations in the Caribbean which have signed a Tax Information Exchange Agreement with the Government of the United States. Since 1986, the Government of Puerto Rico has worked aggressively to make the availability of these funds known and has been rewarded by seeing an increased number of section 936 loans made available to eligible Caribbean nations. The program is proving to be the most viable source of new investment capital in the Caribbean.

I am very concerned, however, that a pending decision by OMB to prohibit the use of Federal guarantees for projects financed by section 936 funds threatens the productive investment of these funds in the Caribbean.

It is clear that Congress intent in the 1986 Tax Reform Act was to expand section 936 to create incentives that would attract needed U.S. investment to the nations of the Caribbean. These small, stable democracies are implementing structural adjustments and economic reforms to prepare their economies to be attractive to new investment.

What was not realized in 1986 was that difficulties would be encountered because of the perception of credit risk in the Caribbean. The commerical financial institutions that control the deposits of United States companies that do business in Puerto Rico are often unwilling to lend funds outside of Puerto Rico. As a consequence, credit enhancement in the form of an investment guarantee is generally required for nations to receive section 936 loans.

The Overseas Private Investment Corporation [OPIC] has been an innovative conributor to the solution of this problem. OPIC currently provides investment guarantees for section 936 loans in the Caribbean.

Unfortunately, recent actions indicate that the Federal Credit Working Group will recommend the issuance of a directive under OMB circular A–70 that would prohibit OPIC from extending guarantees to projects financed with section 936 funds.

Any action that would impede the effort to secure OPIC credit enhancement for section 936 loans to ventures in qualifying Caribbean nations will severely undermine section 936's ability to act as a catalyst for economic growth and development in the Caribbean and clearly go against congressional intent as expressed in the Tax Reform Act of 1986. I strongly oppose such an action and I urge the administration to oppose any effort to disallow the use of OPIC guarantees in conjunction with section 936 loans.

A CONGRESSIONAL SALUTE TO TAY YOSHITANI

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. I would like to take this opportunity to acknowledge the outstanding achievements of Mr. Tay Yoshitani.

Currently the deputy executive director, maritime affairs, for the Port of Los Angeles, Mr. Yoshitani has enjoyed a successful career in the business world. In addition to his professional career, Tay has also had an impressive record of service for his country and community.

In 1968, Mr. Yoshitani graduated with a bachelor of science degree from the U.S. Military Academy at West Point, and spent the next year training at the Airborne and Ranger schools at Fort Benning, GA. The next 3 years were spent as a captain/executive officer with Company B of the 46th Engineering Battalion stationed in Xuan Loc, Vietnam. Following his tours in Vietnam, Tay served from 1970 to 1973 as a captain/aide-de-camp to the commanding general of the U.S. Army in Japan. With the conclusion of his military service, Mr. Yoshitani continued his education, earning a master of business administration from Harvard University in 1975.

For 3 years after graduation, he was employed in a management-level position in the San Francisco and Honolulu offices of the Ha-

waii-based Castle & Cook Inc. From there Tay spent 3 years as vice president of Gamlon Corp., a real estate firm located in Honolulu. In 1982, he began his 5-year stint with the Avery International. After serving as the director of finance, director of planning and development, Mr. Yoshitani became the general manager responsible for the design and manufacture of label application systems. Prior to his 1989 appointment to the Port of Los Angeles, Tay was president of Grand America Inc., a real estate acquisition, development, and management firm based in Santa Monica, CA.

Mr. Yoshitani's involvement in community affairs is also impressive. He currently holds memberships in the West Point Association of Southern California, and the Harvard Club of Los Angeles. He also serves on the board of governors for the Japan-America Society and the Los Angeles-Long Beach chapter of the Propeller Club of the United States.

On June 24 of this year, Mr. Yoshitani is being honored by the Los Angeles and Long Beach Area Councils of the Boy Scouts of America with the Shipping and Transportation Industry Good Scout Award. The entire community takes great pride in joining with Tay's wife, Becky, and their children, Jennifer and Kristen, in extending congratulations on the receipt of this prestigious award.

Mr. Speaker, my wife, Lee, joins me in offering this congressional salute to Tay Yoshitani. We wish him all the best in the years to come.

CONGRATULATIONS TO CENTRALIA HIGH SCHOOL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1991

Mr. POSHARD. Mr. Speaker, I rise today to congratulate a very special high school in my district. Centralia High School has many things to be proud of and paramount among these is the fact that its student council has been able to organize the most highly successful one day blood drive in the entire United States, collecting 444 pints in just 6 hours.

Through the superb leadership of Mr. Jack Shelton, the C.H.S. student council has been able to enlist the support of not only the student body, but also the staff, parents, and the general public, in an effort to help with the vital task of maintaining an adequate blood supply in their area.

Centralia High School was recently given the most prestigious award granted by the American Association of Blood Banks. The Award of Merit for Distinguished Service in Advancing Public Understanding of Blood Banking was presented at a ceremony in Los Angeles and it is indeed a praiseworthy accomplishment.

By showing the public the necessity of maintaining an ample supply of blood, the C.H.S. student council emphasized the awesome demands on the blood supply in America. Since the student council began having blood drives in 1982 it has accounted for almost 3,000 pints of blood for the Missouri/Illinois Regional Blood Services/American Red Cross. This is an astonishing amount and the dedication that the student council has shown proves that these young people are truly committed to the cause of helping others. Former student council president Bobby Smith said of the school's success, "There is nothing quite like it." He is correct in that statement because there truly is no finer feeling than knowing you may have helped someone overcome illness, or perhaps even save a life.

Throughout the years C.H.S. has proven that it truly is a valuable member in the Red Cross Life Saving Team and I am proud to be able to represent all those who help to make Centralia High School such a special place.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 20, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9:00 a.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To hold hearings on S. 1066, authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on the Defense Environmental Restoration Account and the service environmental compliance funds accounts.
SR-222

Banking, Housing, and Urban Affairs
To hold hearings on streamlining the Resolution Trust Corporation.
SD-538

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on S. 884, to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing, and related issues.
SR-253

JUNE 24

2:30 p.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings to review the operation and programs of the Immigration and Naturalization Service, Department of Justice.
SD-226

JUNE 25

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1269, to require the Secretary of Energy to expedite the development of hydrogen derived from renewable energy sources as an alternative energy system for residential, industrial, utility, and motor vehicle use.
SD-366

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
Business meeting, to mark up provisions of H.R. 2622, making appropriations for fiscal year 1992 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.
SD-116

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on provisions of S. 819, to amend the Bretton Woods Agreements Act to authorize consent to and authorize funds for an increase in the United States quota in the International Monetary Fund, and to authorize acceptance of the proposed amendments to the Fund's Articles of Agreement.
SD-538

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine minority representation in the juvenile justice system.
SD-226

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to review revenues from additional radio spectrum allocations.
SR-253

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold oversight hearings on implementation of the grain quality title of the 1990 farm bill (P.L. 101-624).
SR-332

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance programs.
SD-138

Foreign Relations
To hold hearings on the nominations of Mary Ann Casey, of Colorado, to be Ambassador to the Democratic and Popular Republic of Algeria, John Thomas McCarthy, of New York, to be Ambassador to the Republic of Tunisia, Robert H. Pelletreau, Jr., of Connecticut, to be Ambassador to the Arab Republic of Egypt, and Nicholas Platt, of the District of Columbia, to be Ambas-

sador to the Islamic Republic of Pakistan.

SD-419

JUNE 26

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.

SD-342

Veterans' Affairs

Business meeting, to mark up pending calendar business.

SR-418

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the semi-annual report of the Oversight Board of the Resolution Trust Corporation.

SD-538

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 473, to revise the Lanham Trademark Act of 1946 to protect the service marks of professional amateur sports organizations from misappropriation by State lotteries, and S. 474, to prohibit a State from participating in betting, gambling, or wagering schemes based on any game connected to any professional or amateur sports organization.

SD-226

2:00 p.m.

Select on Indian Affairs

To hold hearings on S. 362, to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

SR-485

JUNE 27

10:00 a.m.

Foreign Relations

To hold hearings to examine U.S. relations with China.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 979, to provide for strong Department of Energy support of research and development of technologies identified in the National Critical Technologies Report as critical to U.S. economic prosperity and national security.

SD-366

JULY 9

9:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold oversight hearings on implementation of the research title of the 1990 farm bill (P.L. 101-624).

SR-332

2:00 p.m.

Select on Indian Affairs

Business meeting, to markup S. 668, to authorize consolidated grants to Indian tribes to regulate environmental grants to Indian tribes to regulate environmental quality on Indian reservations; to be followed by an oversight hearing on the Navajo-Hopi relocation program.

SR-485

JULY 10

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 471, to protect consumers by regulating certain providers of 900 telephone services, and S. 1166, to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call.

SR-253

2:00 p.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine national tourism policy.

SR-253

JULY 11

9:30 a.m.

Select on Indian Affairs

To hold oversight hearings on employment on Indian reservations.

SR-485

JULY 15

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings to review the Department of Energy's role in math and science education.

SD-366

JULY 16

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR-253

JULY 17

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. 754, to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program.

SR-485

JULY 23

9:30 a.m.

Rules and Administration

To hear and consider a report from the Architect of the Capitol on current projects, and to consider other pending legislative and administrative business.

SR-301

2:00 p.m.

Energy and Natural Resources

To hold hearings on Senate Joint Resolutions 22 through 34, to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

SD-366

JULY 24

9:30 a.m.

Joint Printing

To resume hearings to examine the technological future of the Government Printing Office.

B-318 Rayburn Building

CANCELLATIONS

JUNE 20

9:00 a.m.

Select on Indian Affairs

To hold oversight hearings on the Navajo-Hopi relocation program.

SR-485

POSTPONEMENTS

JUNE 20

10:00 a.m.

Foreign Relations

To hold hearings on the nomination of J. Stapleton Roy, of Pennsylvania, to be Ambassador to the People's Republic of China.

SD-419