

**SENATE—Tuesday, October 1, 1991***(Legislative day of Thursday, September 19, 1991)*

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota.

**PRAYER**

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

Let us pray:

*Eternal God, Fountain of truth, You have promised wisdom to those who ask, "If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him."—James 1:5.*

Omniscient Father, all wise, rarely is an issue raised in the Senate about which there are not innumerable views, opinions, and convictions—controversial and conflicting. Division in the Senate is infinitesimal compared to the divisions in the Nation—constituents, mayors, county officials, Governors, corporate heads and, in many cases, leaders of other nations. As the Senators work their way through mountains of information, under pressure from advocates and detractors, touch each with a special measure of grace.

God of light, in such tension characteristic of democracy, grant to the Senators patience, insight, courage, and a good conscience. Infuse them with the desire, *"thy will be done on Earth as it is in heaven."*

In the name of Him who is incarnate truth. Amen.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, Oct. 1, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. MITCHELL. Mr. President, this morning there will be a period for morning business under the control of the majority leader or his designee, with the time for morning business to extend until 10 a.m.

At 10 a.m., under a previous unanimous-consent agreement, the Senate will resume consideration of the conference report accompanying the emergency unemployment insurance bill, with 1 hour for debate on the Sasser motion to waive the Budget Act in order to permit consideration of the report.

Upon the expiration or yielding back of that time, the Senate will then vote on the motion to waive the Budget Act, and if the motion to waive is successful, that will be followed immediately by adoption of the conference report. Once the Senate has concluded action on the conference report, and as also previously ordered, the Senate will vote on the motion to invoke cloture on the motion to proceed to the family and medical leave bill.

Today, the Senate will recess from 12:30 p.m. until 2:15 p.m. for the party conferences. Upon reconvening at 2:15 p.m. today, the Senate will return to the EPA Cabinet-level bill, with 10 minutes remaining for debate on that bill prior to a vote on final passage.

Therefore, Mr. President and Members of the Senate, Senators should be aware that there are at least three votes scheduled for today. The first will occur at 11 a.m. on the motion to waive the Budget Act with respect to the conference report on the unemployment insurance bill. That will be followed by final passage of that bill, if the motion to waive is successful.

No rollcall has been requested yet on final passage, and if none is requested, then it will be accepted by voice vote. If a rollcall is requested, then, of course, one will occur.

Immediately following that, the Senate will vote on the motion to invoke cloture on the motion to proceed to the family and medical leave bill.

So it is expected that at 11 there will be two and possibly three votes, although more likely it will be two.

At approximately 2:25, following the party caucuses, there will be a vote on

final passage of the EPA Cabinet-level bill. There may well be other votes during the day, but Senators should be prepared for at least those which I have indicated.

**RESERVATION OF LEADER TIME**

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I reserve all of the leader time of the distinguished Republican leader.

**CONTROL OF TIME FOR MORNING BUSINESS**

Mr. MITCHELL. Mr. President, I designate Senator KENNEDY to control the time for morning business this morning.

Mr. KENNEDY addressed the Chair.

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

**UNEMPLOYMENT BENEFITS**

Mr. KENNEDY. Mr. President, today the Senate votes again on emergency assistance for large numbers of workers who have lost their jobs in this recession. Unemployment benefits have run out. President Bush continues to insist there is no emergency, so he refuses to provide the necessary funds. There may not be an emergency in the White House, but there is an emergency on Main Street, U.S.A.

The recession is real. The hardship is real. And if the White House will not help, it is time for Congress to act even if it means voting for the first time to override a veto by President Bush.

In Massachusetts, 3,000 more workers exhaust their unemployment benefits every week; 12,000 per month, month after month. Similar problems plague every other State. It is irresponsible not to act. The recession is not over. People seeking jobs cannot find work. The economy continues to stagnate. Yet the unemployment trust fund designed for precisely such emergencies has an \$8 billion surplus.

The funds are there, Mr. President. The need is there. It is time to ease the continuing hardship caused by this continuing recession.

The Senate bill declares that the plight of the unemployed is the type of emergency specifically covered by the Budget Act. Congress approved that act last year with a clear understanding that it could be used to accommodate such urgent needs. Specific provisions in the act permit emergency

spending to meet unforeseen circumstances. The act is meant to be a flexible instrument for dealing with emergencies at home and overseas, not a stone wall that the administration can hide behind while refusing to help the unemployed.

In every previous recession similar assistance has been provided for those who lost their jobs. Under President Kennedy, President Nixon, President Ford, and even President Reagan, we have offered emergency relief to the unemployed. Why is President Bush the only holdout?

Why is this administration's domestic policies so far outside the mainstream of tradition of this Nation? The White House has been willing to provide emergency help to the citizens of every other nation. It should also be willing to provide assistance to the working families of America.

#### THE EDUCATION GOALS PANEL REPORT

Mr. KENNEDY. Mr. President, once again education is in the headlines and the news is cause for concern.

On Friday, a Harris poll was released that shows most students and their parents think today's young Americans are getting a good education. But an overwhelming number of employers and higher education officials disagree. The survey asked employers about the overall preparation of recent students to hold jobs. Only 30 percent of employers gave a positive response and 66 percent were negative.

By contrast, among students themselves, 70 percent were positive about their education as were 65 percent of their parents.

In the case of higher education, only 36 percent of the college officials surveyed gave the students positive marks and 62 percent were negative. Yet 70 percent of the young people who were surveyed and 77 percent of their parents believed that their high school preparation was good.

There is only one conclusion to draw from this data—by the standards of employers and college officials, our secondary school students and their parents are misleading themselves.

Yesterday, the Education Goals Panel released its report on the Nation's progress toward the goals we have set. The panel's report is an effort to pull together in a single place all the available data on such progress.

Gov. Roy Romer of Colorado deserves credit for his excellent efforts on the panel. Much of the information in the report is shocking. For example, it notes that just 15 percent of the Nation's fourth graders are competent in mathematics. For 8th graders, only 18 percent are competent, and for 12th graders the figure is 16 percent.

Parts of the report are disappointing, however, because there are many areas

where the Nation clearly needs to do more. Yet the report is silent. For example, with respect to the first educational goals, school readiness, the report states that there is no direct way to measure progress toward this goal.

Mr. President, I take exception to that particular conclusion. There have been a number of recommendations which have been put forward even to the panel itself which are some indices as to the school readiness of a child. For example, has the child been immunized? Did the child attend a Head Start Program prior to coming to the kindergarten for some early education program? What are the nutritional conditions of any child who enters the school? Does the child see a doctor regularly?

There is a whole host of different criteria that could be utilized, and they can be utilized in a way as to characterize whether a child is really appropriately ready to begin the educational experience.

But, effectively, the Goals Panel chose not to use those criteria. I fear that the reason they failed to use those criteria is because they know what the result would be: an incredible indictment in terms of the condition of the children in this country when they begin the long process of awakening their minds in the educational system.

So we, Mr. President, have a very important responsibility in addressing that issue here in the Congress in this session.

The single most important step the Federal Government can take to ensure that students start ready to learn is to fully fund the Head Start Program.

For more than 25 years this program has been successful in providing disadvantaged students with a supplemental educational experience to help them start schools ready to learn.

But Head Start still reaches far too few students, just 28 percent of the eligible population. If we hope to reach the first education goal, we need to ensure that 100 percent of the eligible students benefit from this vitally important program.

Given the important school readiness we must take steps to ensure that the children arrive at the school door ready to learn. Education earlier is better. The best approach is to intervene early and avoid problems at the start rather than correct problems after they arrive.

If students are not ready to learn when they arrive at school it is likely they will never catch up. Even if they do catch up, it is likely to happen because of intensive and expensive intervention efforts. It is far better and much cheaper in the long run to make sure that students start out on the right path. But to do that we have to know what school readiness means. We need accurate information about how

many reach school ready to learn and how many are not. We do not have adequate information now, but we need to take appropriate steps to get it.

The Goals Panel convened a task force in school readiness chaired by Dr. Ernie Boyer, one of the Nation's most respected and influential educators. Dr. Boyer's panel made a series of clear, cogent recommendations to ensure that the Nation develops the needed data, yet the panel ignores these recommendations. Most are disappointed in the report's assessment of the Federal role in education.

The document seems primarily designed to reassure the country about whether the Bush administration has an adequate education agenda or whether the Federal Government has a comprehensive, coherent policy in place to improve the Nation's schools.

In truth, the Federal Government is making a smaller contribution to education today than it did a decade ago. The Bush administration's plan for America 2000 is far too limited, and it focuses on diverting scarce resources from public schools to private schools.

In addition, the administration's plan devotes too small an amount of funds to a small number of schools. Only one-half of 1 percent of the Nation's schools will benefit. To achieve the Nation's education goals, we need more help for more schools. We need more than just a political strategy for education. We need a genuine education strategy that focuses on star schools, not just a political strategy that pats education on the head and directs the Nation's real resources to star wars.

This Nation should have the best education system in the world—and we do not have it now. Nobody disputes that. If we want world class schools, we need to involve all of our citizens and all of our schools. We cannot leave anyone or any school behind. It is not just the schools across town or in the next community that need to be improved. It is all schools in all our communities.

To achieve this goal, we need an administration genuinely committed to improving educational opportunities for all students, and willing to commit adequate resources to this essential goal. The Nation deserves no less.

#### COMMENDATION OF THE MAJORITY LEADER

Mr. KENNEDY. Finally, Mr. President, I want to commend the majority leader for his efforts in bringing to the Senate later this morning the Family and Medical Leave Act. This is an extremely important piece of legislation.

It is a great tribute to our colleague, Senator DODD, who has been pressing and pushing this legislation for a series of years. The Membership knows what is at issue in this legislation. The basic question is whether we are going to

make an individual choose between the job they need and the child they love when that child has some serious medical emergency. We know the change in the work force has brought more and more families into the work force.

This is minimal legislation to deal with what is a very real problem in the work force in the United States in 1991. And it is appalling to me, Mr. President, that there are those in this body that refuse to even permit the Senate of the United States to address this issue.

The American people want action on this issue and, nonetheless, there is a dedicated group of Senators that will virtually block the attempt to debate this issue on the merits. The families in this country should take note when the bell tolls on that issue later this morning.

I commend the majority leader for giving us an opportunity to express our view on this extremely important piece of legislation.

I yield whatever time has been designated to me to the Senator from Washington.

Mr. ADAMS. Mr. President, as the new world order develops, education should be our highest national priority, as stated by the chairman of the committee, Senator KENNEDY. The Democrats have presented a comprehensive education agenda from early childhood through higher education. It builds on a legacy of making education a top priority for all Americans, with special emphasis on disadvantaged children, children that may have been disadvantaged for a whole series of reasons, by our society.

The President, on the other hand, has submitted an agenda of untested programs that would receive millions of dollars that would otherwise go to the public schools. In my State, the New American Schools Program would ignore more than 99 percent of the public schools.

The Bush plan builds on a Republican legacy of failing to approve and provide resources for important education programs like Head Start that have proved successful. What the Republican program does is say that those receiving a good education will be improved, but those disadvantaged by any one of many factors in America's society will receive less, and the average child in an American public school will not be helped at all.

America's children and youth need an education agenda that will ensure the success of every child to that child's fullest potential. We do not want to have an elitist educational system for the lucky few. We can meet the national education goals for every child, reach their potential, through the Democratic education agenda, and I hope we will adopt it.

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

Mr. ADAMS. I thank the Chair. (The remarks of Mr. ADAMS pertaining to the introduction of S. 1777 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SHELBY addressed the Chair. The ACTING PRESIDENT pro tempore. The Senator from Alabama.

#### NOMINATION OF JUDGE CLARENCE THOMAS TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. SHELBY. Mr. President, I do not take my advise and consent function lightly. I believe that one of the most important votes any Senator casts is either for or against a Supreme Court nominee. During my tenure in the U.S. Senate, I have supported two consecutive Supreme Court nominees, Justice Kennedy and Souter, both nominated by Republican administrations. I want Supreme Court Justices who will interpret the Constitution and not attempt to legislate or carry out personal agendas from the bench.

The nomination of Judge Clarence Thomas to the Supreme Court is truly a historic occasion. If confirmed, Clarence Thomas would be only the second black American to serve on our Nation's highest court. I firmly believe that a nominee should be confirmed based on legal qualifications and judicial temperament, not the color of his or her skin.

The journey for Judge Thomas from his childhood home in Pin Point, GA, to his nomination to the Supreme Court has been a long and difficult one. Growing up in an era of discrimination and the worst of the Jim Crow segregation laws, Clarence Thomas knows what it feels like to be judged by the color of his skin and not by his personal qualifications. That he was able to overcome these obstacles and better himself through education and hard work is a testament to the kind of character that Clarence Thomas possesses.

Attending Holy Cross College and Yale Law School, Clarence Thomas went on to distinguish himself in the Missouri attorney general's office, as a Senate staffer, in the Department of Education, at the Equal Employment Opportunity Commission, and finally, as a judge serving on the U.S. Court of Appeals for the District of Columbia.

There is no doubt in my mind that Judge Thomas' life and work experiences would serve him well on the Supreme Court. I especially believe that Judge Thomas brings a unique perspective—that of a minority in America—that would better enable the Supreme Court to ensure that the rights and freedoms of all Americans are preserved and strengthened.

In reaching a decision on Judge Thomas' nomination, I am reminded of

Alabama's last Supreme Court Justice, Hugo Black, one of the Supreme Court's greatest Justices. Justice Black was a member of the Ku Klux Klan as a young man and many people felt he did not deserve to sit on the Supreme Court because of that membership. However, the Senate supported his nomination to the Supreme Court and on the Supreme Court, Justice Black was instrumental in preserving and protecting individual rights for all Americans.

If the history of Justice Black teaches us anything, it teaches us that people are capable of change, of growth, of greater understanding.

In supporting the nomination of Judge Thomas, I cannot predict with certainty how he will rule on specific issues—no man could do this save Clarence Thomas himself. I do believe, however, that he will be a fair and impartial arbiter of the U.S. Constitution. And that, above all else, convinced me that Clarence Thomas is not only qualified to serve, but would be a welcome addition to the Supreme Court of the United States.

Mr. President, I intend to vote in favor of Judge Thomas' nomination to the Supreme Court and I urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Alabama yields the floor.

The Senator from New Mexico.

#### NATIONAL GOALS PANEL REPORT

Mr. BINGAMAN. Mr. President, the National Goals Panel issued their first annual report card yesterday, and I thought I would take just a few minutes to comment on that and give my views on some of the contributions they reached there.

First, I begin by complimenting Gov. Roy Romer, from Colorado, for his personal leadership in getting this report prepared. This was not an easy job. He faces heavy opposition as he attempted to produce a credible report card, and this report card, I would very early on say, is a significant improvement over the old so-called wall chart which we have seen for many years now issued by the Department of Education.

The final report did not address, in my view, some of the essential relationships that we need to understand in order to improve education. It did not call for analysis, but this is not because Governor Romer did not try. The final report does not address the long-range commitment or plan or create any vision for how we are to help improve achievement. But, again, this was not because Governor Romer did not try. I, for one, am very complimentary of his tenacity, his unflagging energy and efforts to move the Nation's education commitment in investment and reform of education forward.

The education goals report will heighten the public debate about edu-

cation by raising important questions about world-class standards, about curriculum, and about assessment in general. The report assembles the data in a new package and focuses on the condition of education with respect to these national goals. The report stresses the importance of basing our analysis of educational progress on national standards, which will need to be world class in nature, and I agree that we need these world-class standards. We need to set standards in order to determine what our children need to know and need to be able to do at various grade levels.

The report, for the first time, attempts to set a rigorous standard in mathematics. Unfortunately, in setting that standard, we see that the results are, in fact, abysmal. The results reported show that less than one in five American students was proficient in math, at least in the grades tested, that being 4th, 8th, and 12th grades.

These statistics and much of the rest of the report, however, reveal nothing very new to us about the condition of education in the United States. We have heard for a long time that our Nation's students are not doing well. The problems are not new and we are not doing significantly better in dealing with those problems.

Over one-fourth of U.S. students live in poverty and must enter school with the additional burden that come with poverty, such as malnutrition, inadequate health care, and a dysfunctional family. Only 7 out of 10 ninth graders complete high school after they begin high school. Fewer and fewer elementary and secondary students demonstrate competency in the core subject areas, in English, math, and science, and one-third of all public secondary schools report students caught selling drugs. These problems go on and on.

In addition, we knew there were gaps in our data with respect to important issues such as dropout rates and drug use and preschool indicators about societal factors that affect our educational system. Unfortunately, this report says little about the issue of what to do about any of these problems or even about how we are going to go about gathering the needed data to issue a more complete report.

Why is the report so silent on the question of our investment in education, Mr. President? The answer to the question, I believe, becomes clear when we consider the composition of the panel that issued the report. This panel is not balanced politically. It is not diverse, it does not represent the broad-based constituency that is critical if we are to address the issues of educational improvement. There are no teachers represented on the panel that issued this report. There are no school administrators. There are no represent-

atives from the business community. No parents groups are represented.

The report emphasizes that it is to focus on outputs, and yet, when it comes to the Federal role, the focus is on inputs and not outputs. Why should the focus change when discussing the Federal role? Why should the report try to highlight what the Federal Government has been contributing in resources when these are not output measures? It is clear to all, I believe, that the Federal Government has made little progress in aiding the States relative to the enormous need that the States and local school districts have for resources. Yet, this report would have us believe that the Federal resources have been increasing as a result of expressed Federal policy.

Let me cite a few examples. On exhibit 71, page 199, it states that Medicaid for children increased by 58 percent in constant dollars between 1989 and 1991. I presume that the reason for including this figure is that it does relate to goal 1, that is, readiness of children to learn when they go to school, in that it does provide preschool health services that would theoretically impact on school achievement. While I would agree with that premise I would also add that this is an entitlement program and the costs of health care are skyrocketing for the simple reason they are out of control. The increase in spending reflected here does not in any way result from a national commitment to education.

In the same exhibit, Head Start is shown to increase by 44 percent in constant dollars between 1989 and 1991. There is no mention made of the fact that we are serving only a small fraction of the number of eligible children or that only 55 percent of the eligible chapter 1 children are being served.

In exhibit 73, the dollars spent on magnet schools, and the dollars spent on a variety of programs directly related to education are shown to actually be decreasing.

Programs such as magnet schools and chapter 2 vocational education, bilingual education, impact aid, and JTPA, to which the report also refers, are budget authority funding levels and not what is actually appropriated. In addition, it makes no mention of the wholly inadequate funding levels that have been proposed by this administration and by the previous administration for these programs during the period discussed.

Finally, in exhibit 75 I notice that included in major Federal programs to improve education are listed some items which have never before been considered as part of our educational inventory, items such as flight training spent by the Department of Defense, specialized skills training, in the Department of Defense, and officer accessions. I find it difficult to see the major impact that these very specialized pro-

grams in our military have on basic educational achievement levels.

I think it distorts the debate to list these as major Federal contributions to improving education.

Given the above, it makes me wonder if the section entitled "The Role of the Federal Government" is not, in fact, intended to divert attention from the neglect and the inattention to education that have been seen for over a decade here at the Federal level.

This report also ignores questions of relationships between what is reported. For example, what is the relationship between school readiness and dropouts? What does it mean to say that drug use among 12th graders, as reported by students, is down when we have no similar data for any other grades? Is the drug use among 8th and 10th graders up? Have drugs taken their toll on students' attendance before the students reach the 12th grade and so those who do reach the 12th grade and respond to these surveys are less apt to be using drugs?

The debate about what to do to address the problems posed by this report has never occurred. An artificial timeline and pressure to prepare a suitable report for the upcoming election year truncated any real debate about what to do about the inherent problems, how to address the objectives listed under each of the goals.

The problems of why there are school dropouts, why only 15 percent of our students are competent in math; why only one-third of our students in the 11th grade can write a coherent paragraph about themselves; why the scores on existing national tests continue to decline over the last 11 years; these are substantive issues. These are issues that I suspect Americans would like to see addressed.

What is missing from this report is how to achieve positive change. Given the data that we all have come to know. How do we best support our Nation's schools, our Nation's teachers, our Nation's students, in order to achieve these national goals? This data shows that whatever we are doing, it is not enough.

We need to acknowledge the inadequacies at the State level. We need to acknowledge the responsibility of the Federal Government to do much better by education than we have done in the last 12 years.

Mr. President, I think much of the story of the last 12 years is contained in a few sentences buried deep in this report on page 202, where it says:

The Federal share or revenues for public, elementary and secondary schools has been small. In 1980, it reached a high of 10 percent. By 1988 it had decreased to about 6 percent, where it remains today.

The public schools are part of society. They are not separated from it. They are not insulated from it. If American society is having problems

with lower performance standards, low economic achievement, low competitiveness, high drug use and high teenage rates of pregnancy, then these problems show up in our schools as well. These problems are not caused by our schools. These problems come to our schools. These are national problems.

I think it is fairly obvious that the Nation's cities, the Nation's States, and the Nation's schools are strapped financially. They need national assistance to meet the goals that we have identified here in this report.

From the first I have been concerned that the self-appointed National Goals Panel which issued this report was not constituted in a way which could ensure that the States and the Federal Government would be held accountable for bringing needed improvements to our schools. This report confirms those concerns.

If we are to strive to reach the goals that have been identified, then the process must be opened up. Those who actually teach our children and those who run our schools need to have a voice in this assessment of progress. The parents and the business leaders who have shown a commitment to educational improvement need to be welcomed into this process.

Mr. President, I hope very much that, by the time the second national report card is issued this next fall, the makeup of this panel which issues the report will have changed and all of us will be able to have more confidence in the objectivity of the report.

Thank you, Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair. The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

#### EXTENSION OF TIME FOR MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the time it takes to make the statement I am about to give be made as part of morning business regardless of the fact that it may go beyond 10 o'clock.

Mr. COCHRAN. Mr. President, reserving the right to object and I do not intend to object to the unanimous-consent request. I simply rise on the basis of that reservation to inquire if at 10 o'clock the regular order is to proceed to the unemployment insurance benefits, whether there would be time following the statement of the distinguished Senator from South Dakota for others to make morning business statements, or will, upon the expiration of his remarks, we immediately go to the scheduled legislation?

The ACTING PRESIDENT pro tempore. The Chair wishes to notify the Senator from Mississippi that morning business can be extended by unanimous consent.

Mr. COCHRAN. I do not want to object to the Senator's unanimous-consent request. But I would like to put some remarks into the RECORD and address the Senate as if in morning business, following the completion of the remarks of the Senator from South Dakota. I ask unanimous consent that that be added to the request of the Senator from South Dakota.

Mr. WIRTH. Will the Senator yield?

Mr. COCHRAN. Yes.

Mr. WIRTH. The Senator from Colorado would also like to address the Senate as if in morning business. Might we extend, by unanimous consent, morning business until 10:30 and have the Senator from Mississippi follow the Senator from South Dakota, and I will then follow the Senator from Mississippi.

Mr. COCHRAN. I would be reluctant to agree to that because I know the vote is scheduled at 11 o'clock, and I heard the majority leader announce the schedule of the Senate today. I do not know what problems that might cause other Senators.

My remarks would take only 2 minutes. I hope that we would not need until 10:30. I do not know how long the Senator from South Dakota wishes to speak.

Mr. DASCHLE. Mr. President, I would amend the request simply to include the statement made by the Senator from Mississippi, also the distinguished Senator from Colorado, and the distinguished Senator from Minnesota, the Presiding Officer as part of the unanimous consent request and then terminate the morning business at that time.

The ACTING PRESIDENT pro tempore. Without objection, morning business is extended to accommodate the Senators listed.

Mr. DASCHLE. I thank the Senator from Mississippi and the Presiding Officer.

#### EDUCATION ACTION

Mr. DASCHLE. Mr. President, like others this morning I rise to speak about a very serious concern expressed by the Senator from New Mexico and others, because I believe it has very much to do with our own national security. I believe we must call attention to what could be considered one of the greatest threats to our national security as we look at the next decade.

My particular remarks this morning, while devoted to national security, are not devoted to the B-2 or the state of our military preparedness. If is not about the lessons of the gulf war. Because I think when we speak about national security today we must speak of our children and their future, about the Federal investment in their security, because the priority we give our children now will determine our national strength and define our national security tomorrow.

Some of my colleagues have mentioned the National Governors Association's first report card on the state of American education. This document is the latest study to report that our educational system is in trouble. It comes as no surprise. It is something we know. But here a distinguished panel has come to the same conclusion, using very fresh evidence, that the system is not only in trouble, the situation is getting worse. Test scores are declining and our educational systems has failed to improve them.

We have known that our failure and the need for a strategy to address it has existed for some time. The sad fact is that Government leaders have not responded to the challenge.

As far back as 1983, President Reagan's own Commission on Excellence in Education told us that—

The educational foundations of our society are being eroded by a rising tide of mediocrity.

Eight years later, the Governors' report card sounds a similar refrain. Statistics tell a sobering story. Twenty percent of our workers are illiterate; half of America's 17-year-olds cannot handle junior high math problems; one of every four students drops out of secondary school before graduation. While policymakers and politicians discuss the implications of the numerous reports and indicators that have been staring us in the face for years, the state of American education is getting worse, not better.

American industry continues to spend \$30 billion annually on remedial education for its employees. Each year's class of high school dropouts costs our Nation \$240 billion in earnings lost and taxes forgone during their lifetime. Illiteracy translates into more than \$200 billion annually in lost productivity, crime, accidents, employee errors, extra training programs, and welfare payments.

Today I rise to join the call for stronger leadership and for an aggressive battle plan in the fight for our children's future. It is time to recognize that, despite our conviction that all children should have access to a quality education, national policymakers have done little to lead us toward that goal.

This failure, Mr. President, is an issue of national security. It is an issue that touches the very core of our society and raises ominous quality of life questions for future generations of Americans.

If we continue to undervalue the most important natural resource this country possesses—its children—what hope do we have for the future?

It is time for a new strategic plan. It is time to invest in our children as we have invested in bombers, missile systems, and aircraft carriers.

We must recognize that our supercomputers and satellites are

empty without qualified graduates to guide them. We must recognize we are losing the war against ignorance, apathy, and mediocrity.

America's youth must have an opportunity to "be all that they can be;" not only in the Armed Forces, but also in the classroom.

I am convinced that if we devote as much attention to the challenge of educating our youth as we did to containing communism over the last 40 years, we would not be facing an educational crisis today.

The Nation needs bold, innovative proposals to improve the quality of educational instruction in America. It needs a comprehensive action plan with teeth; a plan that goes beyond rhetoric and attacks the real impediments to learning that plague our schools and face their students.

If we want our children to arrive at school ready to learn, we must not only fully fund the Head Start Program, we must ensure that school lunches are affordable and nutritious, that children can walk to school through drug-free neighborhoods, and that they return home to parents who can read and help guide them. Unfortunately, the decade of the eighties cut the heart from many of the programs that would do the most to promote this essential environment for learning.

Mr. President, let us make the investment necessary to get our educational system back on track. To begin this effort we need look no further than to some education initiatives that have been before this body before.

We can start by approving, S. 2, legislation that provides incentives to thousands of schools across America to lock in on our national education priorities and then holds them accountable for their results. S. 2 encompasses initiatives that we have been developing for years, such as targeted aid for the poorest schools, assistance to implement state-of-the-art technologies, and coordination and expansion of Federal, State, and local literacy efforts.

Approval of S. 2 is just a start, but it is an important, concrete start. Once that step is taken, we can build on its progress, confident in the knowledge that the quest for learning is the fight for our future.

The restoration of pride and excellence in our educational system is the key to the future growth and strength of America. It is essential to surmounting the challenges that lie ahead for our children, and for our country.

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

#### THE NATION'S REPORT CARD

Mr. COCHRAN. Mr. President, it is interesting to me to hear the descriptions of the Nation's report card by some who have spoken on the floor of

the Senate this morning, and to review the action of the Congress in some of the committees that are represented by these same Senators who have responsibility for education legislation here in the Congress. If we could give the Congress a report card today on its performance in response to the challenge the President laid before the country some time ago in concert with the Nation's Governors, I think we would have to give the Congress a big F.

The performance of this Congress is characterized by criticism and inaction in response to the challenge of America 2000. Fortunately for America and for America's schoolchildren, it was not just the Congress that was called upon to respond to the challenge of improving the Nation's schools. Senators will remember, I am sure, that when the President's education strategy, called America 2000 was unveiled in concert with Governors from all over the country, Republicans and Democrats alike, they outlined a strategy based on four related themes.

The first of those was creating better and more accountable schools for today's students. The first step in creating better and more accountable schools for today's students involved a challenge to all Americans. The President called on all Americans, not just Members of Congress—all American citizens, those in community organizations, in businesses and in volunteer organizations, certainly teachers and school administrators, to work together to try to help develop a new American school system—a reformed and improved and modernized school system that is suited to teaching the skills and providing the knowledge to students and opportunities that they need for this modern world and our place in a global economy.

Interestingly enough, there has been a tremendous response throughout the country, an enthusiasm, a new awareness of individual responsibility that we see in our local communities and in our States. I just had brought to my attention the other day a new program in our State of Mississippi called Teamwork Mississippi that includes business, economic development agencies, State and local education agencies, all of whom are now working to bring together our best minds and our collective energies to improving the education system in our State.

This is an example of what the President and the Nation's Governors were talking about when they embarked upon this ambitious but very important new goal for America and called upon all Americans to respond. Luckily we have seen more response throughout the country than we have here in Congress.

Never doubt that a group of concerned citizens can change the world.

This famous observation of Dr. Margaret Mead serves as the motto of

Teamwork Mississippi, a unified effort of community and county leaders, and economic development professionals spearheaded by the Mississippi Power & Light Co., which has as its primary objective the creation of more and better jobs for Mississippians by helping Mississippi communities achieve educational improvements at the local level.

Teamwork Mississippi has adopted the goals of America 2000 as a framework for their efforts to bring about educational improvements. They admit the goals are ambitious but believe they are achievable under the Teamwork Mississippi coordinated effort at the community level. An educated citizenry is important not only to the enhancement of the quality of life, but also fundamental to the success of economic development.

I applaud Teamwork Mississippi for joining with many State and local education agencies embracing the education goals set forth by the President and the Nation's Governors. The Mississippi Power & Light Co. has established a model other businesses would do well to follow by taking this important first step to unite State and community leaders in the effort to improve education opportunities in Mississippi.

Mr. President, I ask unanimous consent that the following list of education activities and programs sponsored by the Mississippi Power & Light Co. for the 1991-92 school year be printed in the RECORD.

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

#### SCIENCE/MATH EDUCATION SUPPORT

The purpose of these programs is to improve education and enhance economic development by strengthening science and math education in local schools.

*Teacher Seminars*—With the financial support of Entergy Corporation, teachers in communities in the MP&L service area are given opportunities to attend regional seminars that are designed to keep them up to date on changes and improvements in educational techniques, systems and services. Special emphasis is placed on institutes for school counselors and science and math teachers.

*Teacher Workshops*—Starting in the fall of 1991, MP&L will sponsor a series of workshops for elementary math teachers and school principals. The workshop will be conducted by the State Department of Education. One math teacher and the principal from every public elementary school in the 45-county territory served by MP&L will be invited to attend.

*Science Screen Reports*—To stimulate student interest in science and math, a monthly series of sophisticated videotaped documentaries on such high-tech subjects as space exploration, computer science, lasers, robotics, etc. are being sent to schools in MP&L communities free of charge. Currently, some 20,000 showings of these tapes are being made each year at what would be a cost of \$75,000 if tapes were purchased individually by the participating schools.

*Audiovisual/Print Support Materials*—In addition to "Science Screen Reports" video-

tapes, MP&L maintains a library of other videotape documentaries, educational films and publications on a variety of energy-related topics. These educational support materials are available to schools, civic clubs and other groups and organizations in the 45-county area served by MP&L.

**Science Fair Scholarships**—Each year, MP&L offers four \$500 scholarships to district science fair winners.

**Mathcounts**—MP&L joins other companies in sponsoring Mathcounts, an interschool, junior high mathematics competition conducted at local, district, state and national levels.

#### ACADEMIC EXCELLENCE

By encouraging academic excellence, MP&L is further contributing to education improvement and economic development at the local level.

**Academic Competition**—This consists of an exciting television quiz show, featuring the best and brightest students from both Mississippi public and private schools. It is produced by Mississippi College and sponsored by MP&L on commercial television, with an estimated annual audience of 100,000.

**Odyssey of the Mind**—MP&L is a state sponsor of this national high school competition program that has as its objective the development of creative thinking and problem solving skills.

**Adopt-A-School**—MP&L is one of the pioneer sponsors of this program that is designed to strengthen relationships between education and the business community. Adopt-A-School will continue to get a high priority.

**Hugh O'Brian Youth Foundation Leadership Seminar**—This program (HOBY) is designed to give high school sophomores who show signs of leadership ability an opportunity to develop these attributes. MP&L is one of a number of corporate HOBY sponsors.

#### ENERGY ISSUES

The purpose of this program is to help educate school children concerning the role that electric energy plays in our everyday lives and especially its contribution to economic and community development. Activities include the following:

**Educational Materials**—MP&L makes available to classrooms and school libraries educational materials in the form of audiovisual presentations and print publications.

**Plant Tours**—MP&L conducts planned tours of its steam electric generating stations for any interested group but with particular emphasis on school classes. Entergy Operations, a subsidiary company of Entergy Corporation, also offers tours of Grand Gulf Nuclear Station, located on the Mississippi River below Vicksburg near Port Gibson.

For more information on the education improvements facet of *Teamwork Mississippi*, contact your MP&L District Manager.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Colorado.

Mr. WIRTH. Mr. President, I believe under the previous order morning business continues through the remarks of the Senators from Colorado and Minnesota.

The PRESIDING OFFICER. The Senator is correct.

#### TIME TO INVEST IN OUR OWN FUTURE

Mr. WIRTH. Friday night, President Bush delivered what I thought was a

welcome and very good address to the Nation. He signaled that the cold war is over. Americans know that. Americans are grateful for the investments made over the last two generations; grateful for the sacrifice to make sure that our system of freedom, democracy, and a market system prevailed.

The United States and the Western World has been victorious.

We are also grateful for the leadership effort after World War II. At the time when the Nation was war weary, we did not retreat to the shores of the United States, but committed ourselves around the world to the vast task of confrontation with the Soviet Union. At a time of enormous pent-up consumer demand in this country—for tires, women's hosiery, lingerie—we made an enormous investment ourselves overseas. That was a remarkable kind of national dedication. We committed ourselves to a fundamental route for the generations of this country. Now that the cold war is over, Mr. President, we need exactly that kind of leadership again.

The vast majority of the people of the United States are ready to follow. A vast majority of Members of the U.S. Congress are ready to follow.

But, unhappily, an eerie indifference pervades. We hear from the White House, discussion of 535 model schools; noble rhetoric but there are 110,000 schools in the country.

We hear about 1,000 points of light. Again, noble rhetoric, but there are a great number of dark spots left after 1,000 points, small point, of light.

We are ready for more, much more, Mr. President. But it is not forthcoming.

For example, we are still stuck in a cold war budget where, under domestic caps, education competes against nutrition, competes against child welfare, competes against immunization. All of the items we talk about being so important to the future of the country are capped and cannot be increased. Yet the Department of Defense spending continues to grow, and if you look at the 5 year expenditures under the Department of Defense projections there is no way we are even going to stay within their already very high caps.

We are told there is not enough money to do the things we ought to do, the things we know that work. But is that the case? Today only one child in four who is eligible for Head Start in the United States is enrolled in Head Start.

To make vocal progress in enrolling four out of four children would cost us about \$2.5 billion. That \$2.5 billion is almost exactly the same as the increase requested by the President for the star wars program this year. Do we want in this country to be investing in Head Start for all children, or on the star wars program?

We are told that being internationally competitive is important, and it is, but we are moving in the wrong direction. Most ominous in the gap between rich and poor, which is growing rapidly. One in five American children grows up in poverty. Those who live the first 18 years of their lives in the squalor and duress of poverty only rarely manage to acquire the kind of skills that make them valuable to employers, and to elevate themselves from their plight. The correlation between poverty and the likelihood of remaining unskilled is, unhappily, very high. We may very well be in a situation where a pair of hands in the United States, unskilled, competes against a pair of hands in Hong Kong, a pair of hands in Shanghai, a pair of hands in Bangladesh—that is a recipe for national disaster.

What to do? It is not a great mystery. We know that prenatal programs are absolutely imperative. We know how to develop early childhood programs for nutrition, for immunization, for health care. We know through the very successful Head Start Program how to prepare kids for school to make sure they are ready to go into school. We know literacy by the second grade level is probably the best indicator of whether that child is going to proceed all the way through school, not drop out, become successful. We know that kind of emphasis can be achieved and should be accomplished.

We know how to train teachers. We know that during the sixties and early seventies we had a wonderful time for training programs for teachers during the summertime, to train and retrain. We know that flexibility within school systems is absolutely imperative, and increasing community involvement critical.

We know that access to higher education can be enhanced. For many years in this country, young people, the haves and the have nots, had access to higher education. We know how important research and development are at the university level, and that support should continue.

This will not all be done without a commitment of leadership from the White House. The report card brought out yesterday is a frightening report card for us all. It indicates that change that is necessary. We all know a great deal about what has to be done. The pattern of expenditures in this country has to change. The cold war is over, as the President told us on Friday night. It is now time for us to recognize the end of the cold war and to reinvest in our children, for they are our country's future and will establish our country's position in the global economy.

Mr. President, I ask unanimous consent that the Washington Post editorial from this morning's paper be printed in the RECORD.

Mr. President, I yield the floor.

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

[From the Washington Post, Sept. 30, 1991]

#### POVERTY AND WEALTH IN AMERICA

Poverty and wealth in the United States are increasing together. The poverty rate rose significantly last year, the Census Bureau has just reported. As the White House somewhat defensively observes, much of that jump is doubtless the effect of the recession. The larger and more ominous pattern is one of an increasing distance between rich and poor not merely from year to year, but from decade to decade.

The poor were left entirely out of the great boom of the 1980s. In 1989, before the recession began, the poverty rate was higher than it had been a decade earlier. The poorest fifth of the population were living on incomes that were actually lower than in 1979, even counting tax cuts and social welfare benefits. But the incomes of the top fifth were a great deal higher, any way you count it, than a decade earlier.

One out of every five American children now lives in poverty. More than two out of every five black children live in poverty. It is the children who are the crucial part of this disaster. You could make quite a bonfire of all the speeches delivered over the past year on the urgent need to improve the capabilities of the American labor force and maintain its competitive edge in the next century. But children who live the first 18 years of their lives in the squalor and duress of poverty only rarely manage to acquire the kinds of skills that make them valuable to employers. The disappearance of unskilled jobs is irreversible, but the country isn't responding to its own national interests. Just as slow economic growth is increasing poverty, the rising numbers of poor people will contribute to slow economic growth.

Here in Washington it's conventional to shrug and say that the changes overtaking the world in the past decade have made these social forces difficult to remedy. But all the other industrial countries have been living in the same world, and their poverty rates are generally far below the United States'—particularly among children.

Behind the statistical tables published by the Census lies the unhappy reality of a country in which economic and social differences are becoming wider, and the social class structure is becoming more rigid. It's a fair generalization to say that through the first two-thirds of this century, distinctions of class became progressively less important, and the opportunities to move up the ladder expanded. That stopped sometime around the early 1970s and since then, despite the booming 1980s, American society has been moving in the opposite direction. Vigorous government action could correct that unhealthy drift, as the Europeans have demonstrated. But on this crucial question, Americans have chosen so far to pursue the politics of indifference.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

#### EDUCATION IN AMERICA

Mr. WELLSTONE. Mr. President, first of all, let me thank the Senator from Colorado for his eloquent remarks.

"We have a school in East St. Louis named for Dr. King," she says. "The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It is like a terrible joke on history."

A 14-year-old girl, East St. Louis, and I quote from Jonathan Kozal's fine book, "Savage Inequalities: Children in America's Schools."

Letter to the editor, Minnesota Star Tribune, by a father of a 6-year-old, excited that his daughter was going to a fine elementary school: "But imagine my dismay on bringing my daughter to the first day of first grade and finding that there was a total of 36 students in the class?" The school had to let go a first grade teacher. At the Minnesota State Fair, Mr. President, I met a young woman. I said, "I'm Paul Wellstone."

She introduced herself.

I said, "What do you do?"

She said, "I'm a teacher." She said it really beaming; she was so proud.

I said, "What level do you teach at?"

She said elementary school.

I said to her, "Well, I was a college teacher, and if I had to do it over again, I would have taught in elementary school. It is so important what happens at that level."

By this time there were about 50 people around us and then, Mr. President, I made a mistake. I said, "What school do you teach at?"

And she looked at me, very awkward, very painful expression, and she said, "I do not have a job."

The classes are overcrowded. We know what we need to do. We have a young woman who wants to be an elementary schoolteacher, and we do not make the commitment.

The President of the United States visited Deal Junior High School in Washington, DC. It is a fine school. Every politician is for the children. It has become the functional equivalent of kissing babies. It is a good photo opportunity to go to a really fine school.

But, Mr. President, what about the children in Anacostia? The President says what we need is not more resources but more results.

So that what we do in this administration proposal is we help one-half of 1 percent of the schoolchildren in this country. What about the rest of the schoolchildren?

Talk about choice, which includes private schools, which will, I think, Mr. President, further segregate education by both race and economic bracket, what about the children that we consign to schools that they would never go to if they had a choice?

Mr. President, we doom children to unequal lives in our public school system because we do not make the commitment to public schools in the United States of America.

We send all too many children to schools that no President and no politi-

cian and no CEO would ever send their children to. That is the reality of public education in the United States of America in all too many communities.

And then, Mr. President, we are told we need yet another report, and then another report, and then another report. We harp on the complexity of the matter to the point where that has become the ultimate simplification. We know what works.

We know that the first educational program is to make sure that every woman expecting a child has a diet rich in vitamin, mineral, and protein, and we do not fully fund the Women Infant Children Program. We know that for children to do well by the time they are in elementary school, they have to during those magic years—and every one of us as a parent knows this—have a warm, nurturing and supportive environment.

We do not fully fund the Head Start Program. The administration says we do not have money to do that. We know that if you want to have a good elementary school education, you need a ratio of 1 teacher to 15 students so that teacher can give those students the nurturing and the encouragement and the intellectual stimulation that those students deserve.

We certainly know that something has gone wrong in our country when college students will tell us that they sell plasma at the beginning of the semester to buy textbooks because they cannot afford their education, and the community college teachers tell us that their students are too exhausted to learn.

I have to tell you something today, Mr. President, on the floor of the U.S. Senate. There have been enough reports, there has been enough rhetoric, and this administration's education program amounts to nothing more than what I would call a stone soup philosophy: Boil the water with the stone, and at the end you get no new nutrient, no new flavor, no new commitment to children.

We will only do well as a country when we finally understand that the real national security for America will be when we invest in the health and the skills and the intellect and the character of our children. That is the commitment we will make in the U.S. Senate; that is the commitment that has to be made in the House of Representatives.

I simply will not be silent when I see this administration offering up an educational program that is cynical. It is a sham. It has no bearing to the concerns and circumstances of the lives of so many children in this country.

It is time for us to draw the line in the Senate, and it is time for us to make a commitment to children in this country, a commitment where the rhetoric is backed up by a commitment of resources.

I yield the remainder of my time.

**REGARDING CLOTURE VOTE ON  
MOTION TO PROCEED TO S. 5**

Mr. BOND. Mr. President, today, I have filed an amendment to S. 5, the Family and Medical Leave Act, which, together with my distinguished colleagues from Kentucky and Indiana, I plan to offer as a substitute to that bill if we can invoke cloture on the motion to proceed later this morning.

Family leave legislation has been introduced every year for the last 6, and each year gains more support. Now is its time to break the deadlock on this issue with a compromise that will work for families as well as Main Street businesses.

I urge my colleagues and their staff members to look at the language we have drafted and will propose as a substitute, and see for yourselves the kinds of improvements we have made. That said, I would like also to stress that this is a working document. If there are additional changes or modifications that would help bring support for the bill, we are willing to hear those up until the time it is offered. I believe the substitute we will offer strikes a workable balance between the needs of America's working families and the legitimate concerns of their employers.

However, one hurdle remains before we can consider this bill.

Mr. President, I would like to urge my colleagues' support of the motion to invoke cloture on the motion to proceed to the consideration of S. 5, a convoluted parliamentary maneuver if ever there was one.

Let there be no mistake about it: A vote against cloture does not mean that our side of the aisle will have an opportunity to offer amendments—it means the issue will not be debated. Period.

I find it extremely distressing that some of my colleagues want to block debate on this issue which is of great importance to working families. Indeed, to hide behind a procedural motion and escape the opportunity of voting on an important issue is a disservice to all the working families of this country and to those who depend on them.

Frankly, I expected better from those who talk about strengthening families but then will not even debate a relevant issue when one comes up. I understand that there is a difference of opinion on the issue of how best to help working families balance their employment and family responsibilities. In fact I think many of the ideas that have been advanced as alternatives to S. 5 have a great deal of merit, notably the effort of my colleague from Utah, Senator HATCH. I hope that he will support a cloture vote and offer his amendment. But the time has come to

debate the issues fairly and squarely and not hide behind the relative anonymity of a cloture motion on a motion to proceed to a bill.

If our proposal is as bad as its opponents claim, then surely a day or two of debate would bring that fact to light. But I believe the opponents of family leave have weak arguments, and I would welcome the opportunity to discuss those as well. I hope for the opportunity to explain to my colleagues the changes we have made to the family leave bill so that they may weigh the arguments and—I hope—reach the conclusion that this bill strikes a fair balance between the needs of working families and the legitimate concerns of their employers.

Mr. President, I would like to point out to my colleagues that this is unlike a variety of other cloture motions we are called upon to oppose. Nothing is being forced down our throats, no one is trying to confine debate to an extremely narrow agenda, no one is trying to block minority amendments. This is simply a tactic to ensure that Members will not have to discuss—or heaven forbid—cast a difficult vote on an important issue to millions of working Americans.

**CONCLUSION OF MORNING  
BUSINESS**

The PRESIDING OFFICER. The period for morning business is closed.

**EMERGENCY UNEMPLOYMENT  
COMPENSATION—CONFERENCE  
REPORT**

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report on S. 1722, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill, (S. 1722) having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, may I inquire how much time is allocated to this conference report this morning?

The PRESIDING OFFICER. The pending question is on the Sasser motion to waive the Budget Act, on which there shall be 1 hour of debate equally divided and controlled.

Mr. SASSER. Mr. President, I see the distinguished chairman of the Finance Committee on the floor, who has had the responsibility for moving this bill through committee to the floor and

then through the conference committee. I allocate 7 minutes to the distinguished chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. I thank the distinguished chairman of the Budget Committee.

Time is brief. Let me take a couple of minutes to make a few major points.

During the course of the debate on Friday, the distinguished ranking member of the Budget Committee argued that the conference report violates the budget agreement of last fall. According to the interpretation which he laid out at that time, the budget agreement says that not only do both the President and the Congress have to declare an emergency, they have to do so independently.

Mr. President, I think that is a difficult argument to sustain, and in my opinion it is an argument that is not supported by close reading of the language of the budget agreement. At best, I think the emergency designation language is ambiguous on this point.

The emergency language in the conference report in no way undermines the President's authority under the budget agreement. The President is perfectly free not to designate these emergency unemployment benefits as an emergency. All he has to do is veto the bill. But what he cannot do is what he did before, and that is to sign the bill but refuse to release the funds.

But the immediate issue before the Senate has nothing to do with Presidential or congressional prerogatives. It is really a procedural issue, an issue of committee jurisdiction, that is raised in order to try to kill the unemployment compensation bill.

Mr. President, the Members of this body have an obligation to the working men and women of this country, those who are out of work in the third longest recession since World War II. These are mothers and fathers who have a long-term commitment to the labor force. They are trying to provide for their families, but they are without work now through no fault of their own.

The economy is in trouble. There are 8.5 million Americans looking for work who cannot find it. We have more than 300,000 workers a month who are exhausting their regular unemployment compensation benefits and are urgently in need of the benefits provided by this bill.

Let us look at the expenditures for this bill.

If the President is right, that this economy certainly is going to surge and come out of this recession, then these benefits will not be paid. These unemployed will be working at jobs and paying taxes and not drawing these benefits.

But if this economy continues to stall, these benefits put bread on the table and will help pay the mortgage, and they will help decent Americans hang in there until they can find that job.

I know some look on the Dole amendment as a viable alternative, arguing that the benefits are paid for. But how adequate are these benefits? Exactly how are they paid for?

First of all, under the Dole proposal, workers in 44 States would be eligible for only 6 weeks of benefits, and none of the workers in these States would have reach-back benefits if they had already exhausted their regular benefits. Workers living in only six States would be eligible for the high-tier benefits of 10 weeks and for reach-back benefits.

Compare that with the conference report, which gives 20 weeks of benefits to workers in 6 States, 13 weeks of benefits in 13 States, and 7 weeks of benefits to workers in 31 States. And workers in 34 States, all States with an unemployment rate of 6 percent or higher, would qualify for the reach-back benefits.

Supporters of the Dole amendment also propose to amend the current law, taking away more than one-half billion dollars' worth of benefits from military men and women returning from Desert Storm and Desert Shield, and from other service personnel who leave the service after finishing their tours of duty and are honorably discharged. According to the CBO, this amounts to a reduction of 65 percent in benefits over the next 5 years for ex-service people.

I ask unanimous consent, Mr. President, that I may have printed in the RECORD just a few of the many letters I have received from service people deeply concerned about taking away those benefits.

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

VETERANS OF FOREIGN WARS  
OF THE UNITED STATES,  
Washington, DC, September 24, 1991.

HON. LLOYD BENTSEN,  
Chairman, Committee on Finance, U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The Veterans of Foreign Wars of the United States (VFW) which represents about 2.9 million members, to include our Ladies Auxiliary, supports Section 8 of S. 1772. We understand Section 8 of this bill will allow former members of the armed forces to draw unemployment compensation on the same basis as all other "out of work" Americans. This does support VFW Resolution No. 646, passed last month at our National Convention. A copy is attached for your information.

The VFW has a long standing interest to ensure that all categories of veterans/ex-servicepersons will be entitled to full unemployment benefits without regard to whether their separation is voluntary or involuntary.

Respectfully,

JAMES N. MAGILL,  
Director,  
National Legislative Service.

RESOLUTION NO. 646  
INCREASE DURATION OF UNEMPLOYMENT  
COMPENSATION FOR EX-SERVICEMEMBERS

Whereas, the criteria for determining and implementing the program of unemployment compensation for ex-servicemembers is discriminatory and unpatriotic in that it requires a three to five week waiting period prior to receipt of benefits and limits these benefits to 13 weeks; and

Whereas, the civilian labor force must wait only two weeks before they are entitled to unemployment benefits; and under existing law may receive such benefits for up to 26 weeks; Now, therefore, be it

Resolved, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, That we petition Congress to amend the unemployment compensation benefits for ex-servicemembers, to enable them to secure benefits on the same basis and for such duration as other unemployed workers are entitled, without regard to whether their (honorable) separation is voluntary or involuntary.

AIR FORCE SERGEANTS ASSOCIATION,  
Temple Hills, MD, September 24, 1991.

HON. LLOYD BENTSEN,  
U.S. Senate, Washington, DC.

DEAR SENATOR BENTSEN: In recent months, our efforts have been directed toward obtaining unemployment compensation equity for separating (not retiring) military members. Currently, civilians often wait only one week to begin 26 weeks of benefits, whereas separating military members must wait four weeks to begin 13 weeks of benefits.

The Air Force Sergeants Association (AFSA) currently considers the correction of this discrimination to be its highest legislative priority. We request your continued valuable assistance and aggressive action to oppose Senator DOLE's amendment that would eliminate that provision from S. 1772. AFSA and its 167,000-plus membership stand ready to assist in any way possible.

JAMES D. STATON,  
Executive Director.

THE RETIRED OFFICERS ASSOCIATION,  
Alexandria, VA, September 24, 1991.

HON. LLOYD BENTSEN,  
Chairman, Senate Committee on Finance, Senate Dirksen Office Building, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing today about a matter of concern to The Retired Officers Association; an association comprised of 375,000 active duty, retired, reserve and guard personnel and their dependents. This matter is one which we feel would unjustly penalize a large number of uniformed personnel who are about to voluntarily leave the service of their country.

Specifically at issue is Senator DOLE's amendment to S. 1723 which would deny to these personnel any unemployment compensation upon their voluntary separation. We find this proposal to be unconscionable. I am sure you will recall that TROA had urged passage of S. 1554 and that, in doing so, we emphasized certain factors for that support. These factors need re-emphasis. They are as follows:

a. Many personnel will be separating far from home with little if any opportunity of finding employment in their communities;

b. Many will be separating with skills incompatible with the needs of the civilian job market; and,

c. Many will have families to support with no visible source of income.

In light of the recent sacrifices made by these volunteers during Operations Desert

Shield/Desert Storm, we find Senator DOLE's amendment to be heartless and not in keeping with the traditions of our nation in its concern for our armed forces.

We urge your strong and vigorous opposition to this ill-conceived amendment.

Sincerely,

T. J. KILCLINE,  
Vice Admiral, USN (Ret.),  
President.

ASSOCIATION OF THE  
U.S. ARMY,  
Arlington, VA, September 24, 1991.

HON. LLOYD BENTSEN,  
Chairman, Senate Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Association of the United States Army is disappointed to learn that Senator Robert Dole has proposed an amendment to S. 1772, which would deny unemployment compensation benefits to members of the military services consistent with those paid to civilian workers placed on unemployment roles.

When President Bush signed H.R. 3201, we believed that separated service personnel no longer would have to wait for four weeks before becoming eligible for unemployment compensation, nor would they receive half the benefits provided to their civilian counterparts. It seems that some members of Congress cannot accept the fact that service men and women should be eligible for the same benefits accorded to every other American worker.

Our 125,000 member organization of active duty soldiers, military retirees and reserve component personnel reject the notion that they should be denied equality in worker unemployment compensation. It is commonly accepted that military personnel are not as advantageously situated to find a new job as those leaving private employment. We had it right when H.R. 3201 was signed into law. To reverse course by denying full unemployment benefits as suggested by Senator Dole fails our soldiers when they need us most.

We urge you to not support the Dole amendment to S. 1772.

Sincerely,

JACK N. MERRITT,  
General, USA Retired,  
President.

THE RETIRED ENLISTED ASSOCIATION,  
GOVERNMENT AFFAIRS OFFICE,

Alexandria, VA, September 24, 1991.

HON. LLOYD BENTSEN,  
Chairman, Senate Finance Committee, Dirksen SOB, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 54,000 Members, Officials and Board of Directors of The Retired Enlisted Association (TREA), we are asking that you oppose Senator Dole's expected amendment to S. 1772, the Unemployment and Compensation bill.

Though recognizing Senator Dole is acting on behalf of the Administration, TREA strongly opposes penalizing members of the Armed Forces simply because they choose voluntary separation at the completion of their incurred obligation.

We of TREA thank you for your support of America's citizen "soldiers."

Very Respectfully,

JOHN M. ADAMS,  
Master Chief, USN (Ret.),  
Director of Government Affairs.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA.

Alexandria, VA, September 24, 1991.

Hon. LLOYD BENTSEN,  
U.S. Senator, Chairman Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It has come to the attention of the Non Commissioned Officers Association of the USA (NCOA) that the Honorable Bob Dole has offered an amendment to the bill, S. 1772, that will terminate all unemployment compensation for servicemembers voluntarily leaving the military services.

NCOA, with more than 160,000 members—most on active duty with the Army, Navy, Marine Corps, Air Force, and Coast Guard—is adamantly opposed to the Dole amendment and request that you carry this message to your colleagues.

There aren't enough billets to retain everyone in the military so it's the application of involuntarily or voluntary separations to keep the services at Congressionally-mandated end strengths. However, the mere fact that young men and women join the military and honorably serve their country should suffice for attaining eligibility for unemployment compensation benefits.

Respectfully,

C.A. "MACK" MCKINNEY,  
Legislative Counsel.

AMVETS,  
NATIONAL HEADQUARTERS,  
Lanham, MD, September 24, 1991.

Hon. LLOYD BENTSEN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR BENTSEN: On behalf of AMVETS I am contacting you to reiterate our support for your legislation (S. 1722—the "Emergency Unemployment Compensation Act of 1991"), regarding veterans unemployment compensation. At the same time we wish to express our deep concern for an attempt, through legislation to be introduced by Senator Robert Dole (a proposed amendment to S. 1772), to undermine this benefit to thousands of veterans in the near and distant future.

In July of this year we applauded your Emergency Unemployment Benefit Program as a giant step toward granting veterans unemployment benefits comparable to their civilian counterparts. We go on record yet again with a resolution adopted at our 47th National Convention in August of this year to that effect.

As you know, Senator Dole's proposed amendment will terminate the payment of unemployment benefits to all veterans except those released from duty under other than honorable conditions. This amendment represents a denigration of the services of thousands of dedicated military men and women. It also represents 65% loss of unemployment benefits to veterans over the next five years. If adopted, the proposed amendment would take away a benefit earned through honorable military service.

AMVETS firmly believes that any legislation which limits or curtails the eligibility of veterans to receive hard-earned unemployment entitlement is an affront to honorably separated or discharged veterans.

As always, AMVETS is ready to assist you in any way we can on this matter of utmost importance to the veterans of our country.

In service to America's veterans,  
ROBERT JONES,  
National Executive Director.

RESOLUTION 25: INCREASE UNEMPLOYMENT  
COMPENSATION FOR EX-SERVICEMEMBERS

Whereas the criteria for determining and implementing the program of unemployment

compensation for ex-servicemembers is discriminatory and unpatriotic in that it requires a four-week waiting period prior to receipt of benefits and limits their benefits to 13 weeks; and

Whereas other workers are entitled to benefits immediately upon filing; and under existing law may receive such benefits for up to 26 weeks; now therefore

Be it resolved, That we petition Congress to amend the unemployment compensation benefits for ex-servicemembers, to enable them to secure benefits immediately upon filing after receiving an honorable discharge and to receive 26 weeks of benefits.

NON COMMISSIONED OFFICERS ASSO-  
CIATION OF THE UNITED STATES OF  
AMERICA,

Alexandria, VA, September 30, 1991.

Hon. LLOYD BENTSEN,  
U.S. Senate, Washington, DC.

DEAR SENATOR BENTSEN: The Non Commissioned Officers Association (NCOA) urges you to oppose Senator Dole's efforts to modify S. 1722, the Emergency Unemployment Compensation Act of 1991.

NCOA has tremendous respect for Senator Dole and is proud to have him as an Honorary Member and even more proud that he accepted from NCOA its highest award for a Member of Congress. This appeal is by no means a personal attack on Senator Dole.

However, Senator Dole's proposal to modify S. 1722 would totally deny unemployment compensation to all but involuntarily separated military veterans. If he is successful even Persian Gulf veterans who honorably complete their enlistments will be denied the readjustment assistance of unemployment compensation upon completion of service.

Senator Dole's proposal is even more restrictive than current law which allows honorably discharged servicemembers 13 weeks of unemployment benefits after a 5 week waiting period. The conference agreement on S. 1722 would allow former service members full unemployment compensation of up to 26 weeks immediately after discharge. This agreement is founded on several precepts of fairness:

Those individuals who have honorably fulfilled the full term of a voluntary enlistment should be given appropriate readjustments assistance.

The services cannot retain everyone who wants to reenlist because of manpower limitations set by Congress.

Servicemembers are usually discharged miles from home and are unable to seek unemployment prior to separation.

Many military families face the additional problems of concurrent unemployment by both the veteran and spouse caused by relocation upon discharge from service.

The provisions of the conference agreement are badly needed to assure unemployed veterans a legitimate opportunity to readjust to civilian life. Please vote to support the conference agreement on S. 1722.

Sincerely,

CHARLES R. JACKSON,  
Executive Vice President.

Mr. BENTSEN. The proponents of the Dole amendment also claim \$1.7 million in so-called savings from the existing IRS offset program. That program does not expire until 1994. Furthermore, anyone who is familiar with that issue and that provision of law expects it to be extended at the appropriate time. The fact is that the budget scor-

ing rules allowing the income raised by the change to be scored in 1992. Now, that is one of the reasons we hear so much talk about "smoke and mirrors" in some of these provisions.

The fact is that \$7.7 billion already in the unemployment compensation trust fund will more than pay the benefits of this bill. That is money employers have already put there. This money has been paid by employers across the country precisely for that purpose. What opponents of this legislation are asking us to do is ignore the fact that employers have paid for the benefits contemplated in the conference report.

Mr. President, we debated the merits of this legislation at great length. I hope the President has been listening to us and to the millions of Americans who need our help now. If he has, and with the continued deterioration of the economy, then hopefully he will change his mind and sign this legislation into law.

I urge my colleagues, Republicans and Democrats alike, to vote to move on to final passage of the conference report and try to get these benefits in the hands of American workers as quickly as possible.

Mr. President, I yield back to the distinguished chairman of the Budget Committee the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. Mr. President, the distinguished ranking member of the Budget Committee is on the floor, and I yield to him at this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me ask, is it the parliamentary situation that I have a half-hour for our side?

The PRESIDING OFFICER. The Senator from New Mexico controls 29 minutes and 51 seconds.

Mr. DOMENICI. I want to say to Senators, I am not sure that there are other Senators who desire to speak, but clearly Senator DOLE will be back from the White House shortly and he would talk to some of the substance of the bill. But let me take a few minutes right now and talk to that point.

First of all, I will talk a little longer after the chairman of the Budget Committee speaks. I will try to make it clear why the Senator from New Mexico made a point of order and why the Senate should sustain that point of order even though there is no doubt in my mind it will not.

I would like to say, however, if we want unemployment benefits to go to the American working men and women, we ought to stop the game of chicken and go ahead and recognize that this bill is not going to become law and pass the Dole-Domenici measure; negotiate, if one would like, about it, but CBO will say that the bill we are discussing will cost the Treasury about

\$5.8 billion. So that, interestingly enough, on the very first day of the new fiscal year, October 1, the passage of this bill will add \$5.8 billion to the already bloated deficit of the United States.

The Dole-Domenici bill will add nothing to the deficits. One can argue whatever one wants about the means of financing the Dole-Domenici unemployment compensation extension, but the Congressional Budget Office, which works the numbers for everyone in any bill and has no particular reason to help us or hurt us, says that the Dole-Domenici bill will score under the budget as an actual zero cost and will be neutral, and no emergency designation would be necessary by the President.

And we would have the unemployment comp out there for the American people by next weekend. No one wants to do that because they want to prove a point: that the President is not going to declare an emergency.

Let me just speak to two points. The chairman of the Finance Committee, a very good friend of mine and one who works very hard with reference to these issues and has a very difficult job, first said that the Senator from New Mexico improperly argues that the President and the Congress must each independently determine that there is an emergency for us to escape the rigidity and the rigors of the 5-year budget agreement. That is, you can break the budget with an emergency being declared. Senator DOMENICI says it must be the President independently, and the Congress independently, and the chairman says that is incorrect.

Well, heretofore, under these same provisions, we have never had an emergency where both the President and the Congress—Congress by votes and the President by indication in writing—we have never had a situation where those two things were absent. They were both present all the time, every time we have had an emergency, and I believe that is logical.

The President has the authority to declare an emergency only if Congress agrees, and Congress has the authority to declare an emergency only if the President agrees. Call that independent if you would like, or whatever. That seems to be very, very simple, and very true.

Everyone should know that those who want to pass this bill—a \$5.8 billion deficit add-on the very first day of the fiscal year, this is how they want to do it. Congress declares an emergency and we send a bill to the President that declares it an emergency. And the President has two options. If he signs it, he will obviously be agreeing to the emergency. If he vetoes it, he is saying: I do not agree. What could be more clear?

But those who want it say now, when it comes back to Congress and Con-

gress overrides the veto, that is equivalent to the President saying there is an emergency. Frankly, this is beyond credibility. This is really the Congress that will declare an emergency.

Frankly, I want to say this Senator is not arguing this way because I do not want to extend unemployment compensation benefits. I am arguing this way because I honestly believe it is right; and second, I honestly believe you have put yourself in a position of regular routine mischief of high, high proportions to this 5-year agreement if you decide that you can break the emergency provisions this way.

Let me just suggest to you one and you, with your good minds, can figure all kinds. We are going along through the year, and we have appropriated and stayed within our targets. All of a sudden somebody says: Well, we have the very, very finest education bill around, and we have not funded it. Let us fund it. Somebody else says: Well, wait a minute. We break the budget by the \$10 billion in this new bill; we cannot do that.

What is this process that is being discussed here today? It says: Put in that bill; it is an emergency. Send it to the President, and it does not matter whether he declares it an emergency. He has to veto it because it breaks the budget.

We come back here and overrule it, and we have a new \$10 billion expenditure outside the parameters of the budget. Frankly, that is what this is; no more, no less. It is an issue of high emotion. I repeat: We would be much better off if, instead of trying to do this, which is not going to work, if we would sit down and say: Let us do the Dole-Domenici one, which the Congressional Budget Office says provides the payment, the budget payment for the benefits in it. If the benefits are too short, then pass it anyway and get started, and start negotiating about one that would take place when it expires, or in due course. We would at least help thousands of people with unemployment compensation.

Point No. 1.

Second point: The distinguished chairman said that there are no reachback provisions. So those who already have expired, used up all of their unemployment comp—that has occurred for quite some time—you do not reach back and give them pickup pay, pickup weekly pay, to the extent provided.

Let me just say I am not reading the same bill that the good chairman of the Finance Committee is reading because, from what I see in the bill that Senator DOLE and Senator DOMENICI proscribed, it has the identical reachback provisions.

Let me be very certain. It provides a reachback all the way back to March 1991. I believe that should take care of that issue of whether or not this bill

pays for itself. Whether or not the IRS collection matter regarding student loans makes money for the Treasury this year, next year, or the other years, I merely say to the Senate we have the Congressional Budget Office saying that the Dole-Domenici bill will pay for itself and will not cause the deficit to go up. I do not know what more we need.

There are other things to say. But I yield the floor at this point. There are other Senators on my side desiring to speak. They should note that we have maybe 15 minutes left.

How much time do we have left on our side?

The PRESIDING OFFICER. The Senator from New Mexico controls 21 minutes 50 seconds.

The Senator from Tennessee.

Mr. SASSER. Mr. President, the plight of jobless Americans and their families is an emergency by every definition that I am aware of. As I have said over and over again, it is an emergency by the technical definition offered by Mr. Darman, the Budget Director, himself.

This circumstance meet the five criteria for emergencies. First, it is essential for people who have lost their jobs through no fault of their own, who have exhausted their unemployment benefits, to have extended to them the same relief that has been extended to every other group of unemployed in every other recession since the 1950's.

Second, it is sudden.

Third, it is urgent.

Fourth, it is unforeseen.

Last, we pray that their job losses are temporary.

It falls directly within the definition of an emergency proscribed by the Office of Management and Budget.

No one has even attempted to explain why the administration's own definition of emergency should not apply to Americans who have lost their jobs and their families. Certainly, in the view of at least two-thirds of this Congress, we are on record in favor of emergency action to help our own citizens, our fellow countrymen who are in distress. This is precisely the kind of emergency we made room for in the budget summit.

The administration is saying if you want unemployment legislation, adopt the proposal drafted by Senator DOLE. I do not want to belabor the matter, because the Dole bill was never meant to go anywhere. And it is not going to go anywhere. The Dole bill was simply slapped together to provide political cover, and it shows.

First, the Dole bill claims to pay for itself through the auction of the electromagnetic spectrum. But there is no certainty that this proposal pays for itself year by year as required under the pay-as-you-go provision. The Congressional Budget Office says we cannot be sure when such an auction will begin to

bring in revenue, or how much it will bring in.

Let me read for the RECORD excerpts from the Congressional Budget Office's own cost estimate. With regard to receipts that this tax would bring in, CBO States:

We cannot presently determine the precise timing.

How do we know when these receipts are going to come in? If they do not come in in the year that the unemployment compensation is expended, then the whole range of entitlement programs is subject to a sequester under the terms of the budget agreement.

Let us look further. CBO goes on to say:

The estimate—

That is, the revenue estimate—is uncertain, because we cannot now predict with confidence what portions of the spectrum would be available, how rapidly the Federal Communications Commission can implement the auctions, and how much the potential buyers will be willing to pay.

If you have an auction, how do you know how much the buyers are going to pay? That is what CBO is saying. That fairly much says it all. When you are unsure of what you are selling, when you are unsure when you can sell it, when you are unsure how much the buyers might pay for it, you clearly are not dealing with a carefully considered piece of legislation. In fact, the payment source is too speculative even for the bill's own creators. As an insurance policy, the Dole bill actually includes emergency language to avert a possible sequester in 1992, the very emergency language that this administration has so loudly decried.

This little stroke of hypocrisy aside, the Dole bill is also inadequate. This is the decisive point. The Dole substitute offers absolutely nothing to the vast majority of unemployed Americans who have already lost their insurance protection, who have been out of work the longest, and who are the most desperate. The Dole proposal lacks the broad reach-back provision that gives the proposal that has been brought to this floor by the distinguished Senator from Texas, Mr. BENTSEN, its real strength. On a nationwide basis, the Dole bill does not help fully 86 percent of those unemployed Americans who have already run out of their benefits.

The more than 268,000 Californians, I say to the Senators from California, who have lost their unemployment—  
[Disturbance in the Visitors' Galleries.]

The PRESIDING OFFICER. The Senator may proceed.

Mr. SASSER. Mr. President, clearly, there are citizens of this country that are concerned about things other than the problems of unemployment, but I say that the more than 268,000 Californians who have lost their unemployment protection since March would not receive one penny—not one penny—from this Dole plan.

The reach-back provision of the Bentsen proposal, however, would provide 13 weeks of benefits for those Californians in the event they are still jobless.

Let us take the State of Missouri. More than 35,000 Missourians would be eligible to receive 7 weeks from the Bentsen reach-back, but not one penny from the Dole bill. In all, the Dole proposal fails to protect the citizens of 44 of the 50 States who have lost their unemployment checks in the last 7 weeks. The Dole plan leaves those States hardest hit by the recession simply to twist in the wind. There is simply no justification for it.

The American people ask about the unemployment trust fund that they have paid into. Should it not be there for them in time of their deepest need? Taxes continue to be paid into the funds by workers and employers alike, and in the course of this recession alone—get this, Mr. President—the fund for compensating workers who are out of work has grown by more than one-half billion dollars. That is a national disgrace. That fund should be declining, as it pays out benefits to the unemployed.

Our colleague from Maryland, Senator SARBANES, one of the most knowledgeable Members of this body on the question of unemployment compensation, has ably and diligently educated this body about the unemployment fund and its historical uses. And as the distinguished Senator from Maryland has said, this trust fund now totals over \$8 billion, a massive surplus, while millions of Americans are denied the benefits that they paid into the trust fund for and that their employers paid into the trust fund for.

Mr. President, I want to say a few words, finally, about the technical issue that is supposed to justify raising this point of order—the notion that this legislation somehow deprives the President of the ability to designate emergencies. The truth is that this legislation deprives the President of absolutely nothing. The Bentsen unemployment bill is no more about taking power away from the President than the budget agreement was about enhancing executive power in the first place.

We transferred no additional power to the President with the budget agreement. The legislation takes no power from him. On the contrary, the President maneuvered on the first go-round to deny the Congress its right to attempt a veto override—one of the primary checks of executive power written into the Constitution.

By signing, but not declaring the emergency needed for funds to flow, the President relegated the first Bentsen bill to some newly devised legislative no man's land. This point of order has been raised to preserve that unin-

tended enhancement of executive power.

I doubt that many of my colleagues sought to give away Congress' constitutional override power when they worked to achieve the budget agreement. I doubt that my colleagues had any such notion remotely in mind.

The language in the bill lays it out straight for the President. As Chief Executive, he must make the same choice as he does on all legislation that comes before him: Either sign the legislation and enact it into law, or exercise his constitutional prerogative and veto it.

This bill gives the President every ounce of emergency discretion he has had or should have. If he agrees that millions of American families are suffering an economic emergency, as two-thirds of the Congress has said they are, then the President ought to sign the bill. If he does not agree, nothing in this bill forces the President to put his name on the dotted line.

In short, Mr. President, I fear that this point of order is another diversion, another delay, another attempt to sidetrack the delivery of benefits to unemployed Americans who are suffering in this recession. As I said, just this last week, the attempt to bring a point of order simply is a delaying tactic, the ultimate victims of which will be 5 million unemployed Americans who have lost or will soon lose their insurance protections. The issue here is not the budget process.

As chairman of the Senate Budget Committee, I have a strong say in adhering to the process, and I certainly share the ranking members' desire to protect our budget rules and to use the tools available to the committee to maintain fiscal discipline. For these reasons, I am normally adverse to waiving the Budget Act. But, in this case, I have no reservations whatsoever.

The issue here is not process, it is not procedure. The issue is human suffering and every Senator has the responsibility to do something about it.

I urge my colleagues to move beyond procedural points, to give the American people the help they need and to vote to override this point of order.

Mr. President, I yield the floor and before yielding I inquire how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Tennessee controls 10 minutes and 3 seconds.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have almost 21?

The PRESIDING OFFICER. The Senator from New Mexico has 21 minutes, 48 seconds.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not going to spend a great deal of time

for the fourth time in arguing the emergency provisions of the 5-year agreement and stating again the fact that this violates the letter and the spirit of the agreement. But I will merely state the following.

CONGRESSIONAL RECORD February 7, 1991, debate, interestingly enough, Desert Storm emergency unemployment bill and changing compensation and the like under various veterans programs. Senator ROBERT C. BYRD:

The exemption for emergency mandatory spending is virtually identical.

These provisions require a Presidential designation that an appropriation or mandatory spending provision—

The latter being what this bill is—is an emergency requirement. Without a Presidential designation, a congressional designation of an emergency does not ipso facto trigger that exemption.

Frankly, if this bill follows the course intended, the President will not declare an emergency because he has not asked for this legislation. He will veto the legislation that prescribes it, thus saying, I do not agree with the bill and, therefore, some saying, well, he has had his chance at designating an emergency and, when Congress overrides him, then we have a declaration of emergency. Frankly, it could not be further from right. It may happen. I hope it does not happen because, I repeat, this is the door through which many, many pieces of legislation spending many billions of dollars can escape budget control.

This Senate and the House get together with the majority and decide let us send to the President new expenditures and let us just say "emergency," when he vetoes it we will override him up here and it will be an emergency.

Having said that, let me just mention two things quickly and I will yield. First, my good friend, the chairman from Tennessee, says that the Dole-Domenici bill does not meet the test. Let me say I hope that the distinguished minority leader returns soon so that he can address the bill. I will do so if he does not. There are some technical corrections that have been made.

The bill that will be tendered, immediately after this vote, to the U.S. Senate suggesting that we ought to adopt something that will work, that the President will sign, we will tell you two things about it. First, we do not have to designate an emergency, so all that language is out. Second, the Congressional Budget Office will now say that this bill pays for itself with the spectrum fee option and the extension of the Student Loan Income Tax Collections Act. It will say, in fact, there is more money to be received under the budget for those two actions than is expended under the bill. So that is technically corrected and we will have the CBO estimate very soon. We have it orally and indeed, in all respects, if you want a bill that meets the budget test that the President will sign, here it is.

Frankly, there are some people who will not get coverage under the Dole-Domenici bill that will under the bill that is never going to become law. Essentially would it not be better to go ahead and do it than to do something that is not going to become law because the President is going to veto it and it will be sustained?

Having said that, I will reserve further discussions until a later time, reserve the remainder of my time, and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, the distinguished Senator from Illinois has been waiting patiently to speak on this or perhaps another matter. So I yield 5 minutes to my friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank the chairman of the Budget Committee and my distinguished colleague. I came over here to speak on the matters of education that my colleagues were speaking on earlier in morning business. But it is tied in with this whole subject of unemployment.

It is very interesting the majority of people who are out of work 5 weeks or longer in this country are functionally illiterate. On the question of education, our distinguished colleague from New York, Senator MOYNIHAN, has an article in, I believe it is the current issue of the Jesuit publication, *America*, in which he not only talks about the problems of unemployment, but he says we are now creating people in our country who are unemployable. That has an ominous sound to it. But it simply stresses the fact that we are going to have to pay attention to this whole question in a variety of ways, of education.

David Halberstam's book, "The Next Century"—he was stationed in Japan with the *New York Times*. He has a very interesting sentence in there. He says the stem that winds the watch of the Japanese economy is education. We are not winding that watch in this country as we ought to be. Literacy is one area that I mentioned.

And I am pleased the President has signed the literacy bill that I introduced and my colleagues on both sides of the aisle supported.

Let me just add, this area of education is one where we need much less public relations and much more action. Our colleague from Minnesota, Senator WELLSTONE, said earlier we are looking for photo opportunities. That happens in the administration and happens on both sides of the aisle in Congress. What we need is substance. Let me just give you a few little isolated things but they tell part of the pattern.

In 1949 we devoted 9 percent of the Federal budget to education. Today we devote 3 percent of the Federal budget to education. It is very interesting if

you take the GI bill, and I believe the Presiding Officer is old enough to remember the GI bill, from after World War II. If you took the old GI bill and put an inflation factor on it, today the GI bill would be worth on the average of \$8,000 a year for student aid. You compare that \$8,000 under the old GI bill with the \$2,400 that is available to a limited number of people, an extremely limited number of people, under the Pell grants, the student grants and you recognize we have slipped tremendously.

The old GI bill was conceived of as a gift to veterans and it turned out to be an investment in our own prosperity. We ought to be making that kind of investment today. The GI bill was available to people no matter what their income, and middle-income Americans were able to take advantage of it. The present Pell grant virtually excludes all middle-income Americans from getting any assistance. We are making a mistake. That is one little indication of where we are and where we are going.

Saturday I met with a fine State senator in Illinois, Senator Miguel De Valle. He is, as you might suspect from his name, of Hispanic background, the only one we have in the Illinois legislature unfortunately. He was telling me the desperate plight in his area; overcrowded schools, they desperately need preschool education. We know it pays off, we are not doing it. Chicago schools do not have the money, the State of Illinois says they do not have the funds. We do not make it a priority, and so we have slippage and we have loss for the Nation.

I visited the Head Start Program, reaching one-fifth of the students we should reach in Head Start. I visited a Head Start Program in Rock Island, IL, and on Monday morning one group of young people came in, Tuesday morning a second group, Wednesday morning a third group, Thursday morning a fourth group, Friday morning a fifth group. I asked the woman in charge, what if you could have Head Start Programs for these children every morning of the week? And she smiled and said you cannot believe the difference it would make.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMON. If my colleague will yield me 1 additional minute.

Mr. SASSER. I am pleased to yield 1 additional minute to the Senator from Illinois.

The PRESIDING OFFICER. One additional minute is yielded to the Senator from Illinois.

Mr. SIMON. Mr. President, Saturday, I spoke at a luncheon honoring the Illinois teacher of the year. Taking a look at teachers is another example of where we are slipping in education. The average teacher in the United States teaches 6½ years, then moves on to

something else. Teachers in Japan are paid approximately the same as physicians and lawyers and they are appealing to the very brightest of their young people to go into teaching. In the United States, you take the top 5 percent of any graduating class of any school in this country and you will find very, very few of those young people want to go into teaching.

We are going to have to do better. We have to make a priority out of education in this country.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?  
Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico controls 17 minutes and 22 seconds.

Mr. DOMENICI. I yield 5 minutes to the junior Senator from Texas, Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I think our colleagues know that we are engaged in a political scam here. Those who are supporters of the bill that would extend unemployment benefits say this is an "emergency," and certainly the people who are out of work, who are at the end of their benefit period, are facing an emergency. But those who claim that this is an emergency are not willing to pay for it by taking the money away from something else. What we have here is an effort to break the budget agreement by setting up a procedure whereby we declare an emergency and therefore are allowed to spend money that we do not have.

We are going to have a vote here on the budget point of order. I know to the people all over the country who are trying to understand what we are doing, that means little. But let me try to put it in English. It requires 60 votes to bring up this bill because it does not comply with the budget agreement, it changes the budget law, and it did not go through the procedure that we have set up to do that.

If 60 Members of the Senate vote to violate the budget agreement, then this bill can come up for a vote. And if the bill passes, if it becomes law, the Federal Government will be required by Congress to go out and borrow \$5.8 billion more. That is \$5.8 billion that will not be available to build new homes, new farms, new factories, to generate new economic growth in the private sector of the economy.

Alan Greenspan, the Chairman of the Board of Governors of the Federal Reserve Bank, has said that the adoption of this bill in violation of the budget agreement will almost certainly drive up long-term interest rates, and I believe in the process that it will jeopardize the fledgling recovery that we have under way and throw more Americans out of work.

If we pass this bill, next week there will be another proposal following the same procedure that says, "Let us declare an emergency and let us spend more money on some other topic, some other program," and then the next week another, and the next week another.

I urge those in the Senate who claim to be for fiscal restraint, I urge those who say that we ought to live up to the obligations we set, to vote to sustain this budget point of order.

If we want to extend unemployment benefits, let us pay for them. Everybody here knows that the President will veto this bill because it violates the budget agreement, because it will send interest rates up, because it will put more people out of work. If we truly want to help the unemployed, let us vote to sustain the budget here, let us work out a compromise that Congress will pay for and that the President can sign. Then we will be debating not political agendas, which is what this is about. We will not be debating unemployment concerns by Members of the Democratic Party; we will be debating ways to help real people who are out of work.

Finally, I remind my colleagues that the solution to unemployment is employment. What we ought to be doing is trying to strengthen the economy by providing incentives for people to work, save, and invest.

So I urge those who support the spending constraints in our budget agreement, who believe that when we set out limits on spending we ought to live with them, to vote to sustain the budget point of order.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROBB). Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 13 minutes and 12 seconds.

Mr. DOMENICI. Mr. President, I am going to check with the minority leader and see if there is anyone else that wants to speak on this side. If not, I will not use all my time. I will find out shortly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, let us have a quorum call and charge it to my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll, the time to be charged to the Senator from New Mexico.

The legislative 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. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Have the yeas and nays been requested and granted on the Sasser motion?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the motion to waive.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 1 minute to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized for up to 1 minute.

Mr. SARBANES. Mr. President, I thank the distinguished chairman of the Budget Committee.

Mr. President, I want to make one very simple point. The unemployment insurance benefits system was constructed to be self-financing, taxes are paid into the trust fund by employers for the purpose of paying unemployment insurance benefits. Those moneys were to go into a trust fund. That was to avoid the problem when you got into a recession of how were you going to fund these benefits. The way you funded them is you accumulated money in the trust fund in good times, when benefits did not have to be paid out because the unemployment level was low, and then you paid them out of that trust fund balance in bad times, which is now when you have a recession.

What has happened in every other previous recession is we have extended unemployment insurance benefits. That is illustrated by this chart which shows the number of persons receiving such benefits.

Mr. President, hardly anyone is receiving extended unemployment benefits in this recession. The consequence of this is that the trust fund has built up a huge balance. It was \$7.2 billion last October 1. It has now gone above \$8 billion. It is projected to go almost to \$10 billion in 1992.

Why are we building up a balance in the trust fund at the very moment that we are in a recession. This is an abuse of the trust fund.

I heard the previous speaker refer to a political scam. If there is any political scam going on, this is the political scam: to have employers paying this money into this trust fund for the purpose of paying extended benefits and not to use the money in a time of need for the purpose for which they were paid.

There is a large surplus in the trust fund. These moneys ought to be paid. We ought not to be in an argument about how it is going to be done. There

are millions of people in need all across the country, desperate for help, working people. We need to help them here today on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. Mr. President, I am going to speak for a couple of minutes. If Senator SASSER is prepared to yield back his time, I am. I assume we will then have a vote on the chairman's motion. Is that correct?

Mr. SASSER. Mr. President, we have a Member on the way in from the airport, so we are not in a posture to yield back any of our time. The time under my control has almost expired.

I suggest to the distinguished ranking member if he is not in a position to use all of his time, perhaps we could put in a quorum call?

Mr. DOMENICI. Let me just ask, so I could inform the minority leader, do we know how long we might be before we start that vote?

Mr. SASSER. I would say at the expiration of all time we will be prepared to move forward for a vote.

Mr. DOMENICI. Then let us see how much time we use here.

Mr. President, I am not going to try, other than repeating what Senator GRAMM said, to respond to Senator SARBANES and the trust fund.

There are a lot of trust funds, not only the one he alludes to. There is a Social Security trust fund, a transportation trust fund.

Frankly, when we voted in the budget agreement and it passed rather overwhelmingly in this body and rather overwhelmingly in the House, the truth of the matter is that what we were talking about is not spending money over what is in the budget annually regardless of trust funds for the duration of the agreement. Because, as the Senator from Texas said, we are concerned about overspending in that it takes money away from other potential good things in the country.

The same thing applies to the trust fund here. If you want to spend that money, you have to nonetheless make sure you are not spending more money than prescribed in the budget by paying for it; unless Congress and the President declare an emergency.

I do not think we can be any more clear, I do not think the current law could be any more clear, that even for this trust fund and other trust funds, because there is a surplus does not make it an emergency subject to spending that money. You have to find the emergency or you have to pay for the expenditure in an offsetting manner under the budget resolution. That just happens to be what we have agreed to and the President has signed.

Having said that, let me repeat one more time. I am very hopeful the Senate will not waive the point of order. But, frankly, a while ago I said I as-

sume they will because they are looking at the bill. They are not looking at the future of fiscal policy of the country and opening a great big door and letting everything run through and vitiating the significance of it by doing it this way. Nobody is going to be sufficiently concerned. Nonetheless I hope—hope against hope—that they will not sustain the motion to waive, and will sustain the point of order.

Having said that, if they do not—and we are busy waiting for a Presidential veto and an override—it appears to this Senator the bill is not going to become law. We will introduce a Dole-Domenici bill very, very quickly. It technically takes care of objections that people have had as to whether it pays for itself in the first year, because CBO will say it does. Clearly, it reaches back, for those who are worried about reaching back. It is a 6-week plus a 4-week. Frankly, we ought to do it and take care of the workers who are encompassed under its umbrella and do something significant rather than continue the political battle that is occurring, which is not going to get the working men and women anything as I see it.

Frankly, I just want to remind everyone, this 5-year agreement which clearly has a chance over 5 years of getting our fiscal house in order—this 5-year agreement will start off today in a very, very adverse position. It will almost be symbolically sounding a death knell.

Because on the very first day of the fiscal year, October 1, we will be taking \$5.8 billion, and instead of saying let us pay for that many dollars worth of benefits we are going to say let America pay for it later on. Let the taxpayers pay for it later on. Let the recession go on. Because there will be less resources around to take care of some of our needs.

I believe we ought to sustain the point of order. If we do not, let me repeat, we are playing havoc with the system we established, of 5 years under the agreement for fiscal sanity. We will be saying any time a compelling majority in the Congress wants to declare a new program or a new appropriations an emergency, that can do it unilaterally. And if they override a reluctant President who does not want to, it is outside the pale of budget restraint and free spending free falling on its own.

I do not think we really ought to do that. I say to those on the other side of the aisle, you are going to perhaps succeed—I hope not—in defeating the emergency provisions of the agreement. You will succeed in this body, but I hope you do not succeed ultimately. But, if you do I hope you will say to yourselves, those worried in a sane way about fiscal policy, that this precedent cannot go on or we will have an absolute wide open spending policy in times when we really should not and do not need it.

For now I yield the floor and will be willing shortly to yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Tennessee controls 39 seconds.

Mr. DOMENICI. I yield 2 minutes from our time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for up to 2 minutes on time chargeable from the Senator from New Mexico.

Mr. SASSER. I thank the distinguished Senator from New Mexico.

Mr. President, the distinguished junior Senator from Texas referred to this proposal to extend unemployment benefits as a political scam. Ordinarily I would defer to my friend's expertise on the matter of political scams. But the political scam before us today is the proposal that is offered by those on the other side of the aisle.

First off, this so-called Dole unemployment bill does not pay for itself. The Congressional Budget Office indicates that it is \$1.5 billion short of paying for itself in 1992, if you rely on the dubious assertion that by garnisheeing the income tax returns of those who are delinquent on their student loans, you will raise some \$900 million. That is itself I think is a highly dubious assumption.

Second, admitting what those on the other side of the aisle now admit, that the Dole plan they are urging on this body and have urged on this body earlier is deficient because we are now going to see another Dole plan on down the line, another Dole unemployment bill, which will be the fifth or sixth time by actual count that the unemployment proposal offered by my friends on the other side has been changed—the Dole proposal presently before us has no reach-back provision for 44 of the 50 States.

I ask you, Mr. President, where is the political scam here and who is playing politics on this issue?

The PRESIDING OFFICER. The 2 minutes yielded to the Senator from Tennessee by the Senator from New Mexico have expired. Who yields time?

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator controls 3 minutes and 26 seconds.

Mr. DOMENICI. I yield a minute and a half to the Senator from Texas.

The PRESIDING OFFICER. Senator GRAMM is recognized for up to a minute and a half.

Mr. GRAMM. Mr. President, let me answer by saying I can tell you where the political sham is. It is a political sham in a country where we are spending a trillion and a half dollars at Federal level to stand up and pound your chest and say there are people in need

and it is an emergency and then when you are asked can you find the money to pay for it and you say it is not that much of an emergency.

What we want to do is we want to bust the budget agreement and open up the floodgate for spending. I call that a sham.

Second, when you claim you want to help people who desperately need help and the President says I will sign the bill if you will pay for it, I will veto it if you do not and you have a President who has been sustained on 15 straight vetoes and will be sustained again, and you say, no, we are going to force the President to veto it—that is a political scam.

So I would say if our concern is about people who are out of work, let us do two things: One, let us pass a bill to help them which we pay for. I will vote for it and the President will sign it. And, two let us also help to allay the misery that is being produced by the recession by passing some bills to stimulate the economy and to create jobs. The solution to unemployment is employment. Let us get the economy moving again.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself the remainder of the time.

The PRESIDING OFFICER. The Senator is recognized for up to 1 minute and 46 seconds.

Mr. DOMENICI. First, Mr. President, I can understand why the Senator from Tennessee would say the so-called Dole bill does not pay for itself and is not an appropriate budget point of order free bill. But let me repeat. There are two or three technical reasons that the bill of last week and the week before may have been in question. But let me repeat. The bill that Senator DOLE and I will introduce, and that we are now saying to those who know they are not going to get their way, that bill, which I am holding here, actually will have the blessings of the CBO, the Congressional Budget Office, the independent agency that we all rely on, and it will say that it will more than pay for itself as required by the Budget Act.

Mr. FORD. Mr. President, will the Senator yield for a quick question?

Mr. DOMENICI. I think I am out of time.

The PRESIDING OFFICER. The Senator has 49 seconds remaining.

Mr. DOMENICI. I will be pleased to yield.

Mr. FORD. Mr. President, I understand the legislative process is covered by CBO. Once the legislation is passed, the scoring is done by OMB. That is what we tried to do on Medicaid. CBO said it was all right, but OMB came back and said it is going to cost \$3 billion to \$5 billion. When the Senator says CBO is scoring it, that is not the final judgment, though, is it?

Mr. DOMENICI. We have that strange anomaly. Nonetheless, it works.

Incidentally, in this case, it works even better because OMB says it is even more on the positive side than the CBO. So I thank the Senator for the question and make the point CBO clears it, OMB clears it, in spades, double, twice.

I yield any time I have remaining on the measure.

The PRESIDING OFFICER. All time controlled by the Senator from New Mexico has expired.

Mr. DURENBERGER. Mr. President, 2 months ago I voted in favor of extended benefit unemployment legislation cosponsored by the distinguished chairman of the Finance Committee, Senator BENTSEN, and the ranking member of the committee, Senator PACKWOOD. And just last week, I again voted in favor of that identical legislation.

Although both of those bills contained certain flaws in the formulas for triggering benefits, I supported them for two fundamental reasons: First, I believe those workers who have endured extended unemployment during this recession should be allowed to receive extended benefits to tide them over until the economic recovery is fully underway. And second, both of those bills maintained the structure and integrity of last year's budget agreement by requiring the President to declare an emergency to waive the Budget Act in order to release those funds.

Mr. President, as I indicated last Friday on the floor of the Senate, it is imperative for the American people to know that the President does not have to declare an emergency and waive the Budget Act in order to implement extended benefits. Had we adopted the substitute extended benefits bills introduced by the distinguished Republican leader, Senator DOLE, that established a more effective extended benefits formula and which was fully paid for consistent with last year's budget agreement, extended benefits would today be flowing to the long-term unemployed.

Mr. President, I will vote against waiving the Budget Act because I believe it establishes a dangerous precedent that will fundamentally undermine the budget agreement that we hammered last year. Mr. President, it is my hope that we will pass a responsible extended benefits bill such as the one that Senator DOLE and I have cosponsored. I hope we will pass that bill as soon as possible.

ADDITIONAL UNEMPLOYMENT BENEFITS ARE  
BADLY NEEDED

Mr. KERRY. Mr. President, the Congress has been attempting for months to pass legislation to extend unemployment insurance benefits for the long-term unemployed who have been displaced from their jobs as a result of the recession that continues to grip significant portions of our Nation, including my own State of Massachusetts.

In August, we passed and sent a good, carefully crafted will to the President for his approval. In what must be one of the most crass, cynical political gestures in a long time, President Bush on the same day signed the legislation into law, but announced that he would not take the step required by budget law to release funds from the Treasury to pay for the benefits available under the new law. As a result, not one dime of extended unemployment benefits has been paid to those who are unable to find work after having been unemployed for months.

That is a travesty, Mr. President, and Democrats in the Congress refuse to let the matter die there.

Today we are passing a similar bill, and we are going to send it straight to the White House. I know how important those additional benefits will be to the approximately 94,000 Massachusetts residents who remained unemployed after exhausting their 30 weeks of basic unemployment compensation during the first 8 months of 1991. The additional benefits unquestionably will not make these unfortunate victims of the recession wealthy by any means, but they may provide enough cushion to enable a family to hold onto its home, or to afford essential medical care, until the breadwinner can find another job.

Not only is this the just and humane thing to do, Mr. President, but President Bush and other members of the Republican Party who have opposed this legislation, in suggesting that enacting this legislation will bust the budget, ignore the fact that the Federal Government has a trust fund dedicated only to paying unemployment benefits. That trust fund currently has a balance of over \$7 billion. To leave those funds sitting in the trust fund when hundreds of thousands of Americans are suffering the effects of recession-increased unemployment is the height of callousness, plain and simple.

I am confident my colleagues in the Congress will pass this legislation and send it to President Bush. As I did when we passed the virtually identical bill in August, I call on the President to stop long enough in pursuit of his foreign policy objectives to look at the desperate situation of many, many Americans here at home, and sign this bill into law so that the additional weeks of benefits it provides can be made available immediately to those who have exhausted regular unemployment assistance.

Mr. SEYMOUR. Mr. President, today, the majority party in the Senate has made the decision to delay much-needed help for the unemployed, so that they may help launch the 1992 election campaign against President Bush.

We must help the long-term unemployed. Virtually every Member of Congress agrees.

We must help them now. Again, you'll find few who object.

The Federal Government has a duty and responsibility to help out unemployed Americans. That's why we have an extended benefits trust fund—funds provided by America's employers to pay for extended benefits in States hard hit by severe economic slowdown. It's obvious to all that the current formula which triggers these funds is not working. The trust fund continues to grow, but the number of Americans who have exhausted their unemployment benefits continues to grow also. Unless the Federal Government takes action, many of these long-term unemployed will seek State welfare benefits, placing additional responsibilities on States that already have tremendous fiscal burdens.

Earlier this year, I cosponsored Senator BENTSEN's original legislation to temporarily extend unemployment benefits to those most hard-hit by the recession. However, I expressed then that the Congress should try to find a way to pay for this legislation so that an emergency designation was not needed, and the budget need not be busted by a nearly \$6 billion increase. And when the President made it clear that he would not declare an emergency, I hoped that the Congress would work together to find a way to pay for these benefits.

Instead, Senator BENTSEN reintroduced the same bill, knowing that this legislation will be no more successful than the previous version.

Senator DOLE, however, came forward and offered an alternative proposal that is budget neutral, and has the support of the President. More importantly, it will bring immediate and needed relief to Americans who have felt the sting of this recession the most.

I supported the Dole proposal. The Democrats defeated it.

I supported an amendment by Senator GRAMM that not only pays for the Bentsen proposal, it provides tax incentives to jump start our economy. After all, what unemployed Americans really need are jobs and a bright future of economic growth. The Democrats defeated that amendment on a technicality.

The choice for the majority party was simple: Pay for unemployment benefits, or play political football on the backs of unemployed Americans.

Pay or play.

The Democrats opted to play, and in so doing, further delayed bringing benefits to unemployed Americans. Quite frankly, I am very disappointed. Very few States have suffered a long-term recession like California. Very few states are in need of more extended benefits for their citizens than California. If the Democrats simply found a way to pay for their proposal, the bill would be law, and California's long-term unemployed could look forward to help today—October 1. Now, we can't

be certain if and when extended benefits will be on the way.

I supported the Bentsen proposal once again last week, but did so reluctantly. I voted because the Bentsen proposal will bring the most benefit to the long-term unemployed, but I also voted for it to keep the process going. Surely, the House-Senate conferees knew that a significant number of the Members of this body, as well as the President, remain opposed to any free-wheeling attempts to force the President to bust the budget.

Sadly, that has not occurred. And today, we are forced to continue the charade and send a bill we know the President will not support. I am confident that the Congress will sustain the President's veto.

And once that veto is sustained, maybe then we can put away our sound bites and come up with sound policy. That's the question and the choice the Democrats have before them.

Last week, the question was, Pay or play?

Today the question is and will continue to be, Sound bites, or sound policy?

Let us hope, for the sake of the thousands of unemployed Americans who have exhausted their benefits, the Congress will choose the latter very soon.

Mr. HOLLINGS. Mr. President, there is no question in the world that we can and should offer extended unemployment benefits to American workers who have lost their jobs because of the recession. This is a humanitarian act. Equally important, it is a matter of keeping trust with workers who have dutifully paid their unemployment insurance premiums down through the years, all the time assuming that extended benefits would be provided in case of a prolonged recession. And let's be clear on this point: There is no need for any additional tax or for any budget offset to finance these benefits. The money is already there in the trust fund. These benefits are already bought and paid for. The extension of unemployment benefits as called for in Senator BENTSEN's bill will not cost the American people one dime in additional taxes.

Mr. President, the fact is that the overall unemployment trust fund now has a surplus of some \$50 billion. Within that larger unemployment trust fund, the extended unemployment compensation account currently has a very healthy surplus of \$8 billion. So the money is there to finance these extended benefits. The question is this: Why is the administration opposed to spending this trust fund money for its intended purpose?

The answer is all too clear. By not spending any of the \$8 billion in the extended unemployment compensation account, the administration gets to "borrow" that \$8 billion to reduce the Federal budget deficit—to mask the

true size of the deficit. This particular budget shenanigan is especially reprehensible because it involves denying benefits to people who have already paid for those benefits. And remember that we are talking here about good, hard-working Americans who have been victimized by the recession and who desperately need this assistance.

It is a breach of faith to deny those benefits. And it is a breach of decency to do this for no other reason than to help the administration hide the true size of the deficit.

I urge the Senate to pass the Bentsen bill by an overwhelming margin. We need to send a clear message to Mr. Darman and his green-eyeshade crowd at OMB that their trust fund heist will not be tolerated.

Mr. GORTON. Mr. President, before the Senate today is a bill the goals of which I support, but whose methods for reaching those goals I find deplorable, irresponsible, and downright incomprehensible. The goal, of course, is to provide America's unemployed with extra unemployment benefits while the economy regains its steam. The Democrat's unemployment benefits extension package, however, achieves this goal through methods which irresponsibly add an additional \$6 billion to the deficit—and thus impede the very economic recovery necessary to provide jobs for the unemployed.

Before I detail my concerns about the Democrat's irresponsible plan, I will note my concerns for and activity relating to Washington timber workers. Mr. President, I voted with the Republican leadership in the Senate for a bill to provide up to 10 weeks of extended unemployment benefits for reasons in addition to fiscal and budgetary responsibility.

As part of deciding which extended benefits package helped Washington's workers the most, I discussed the plight of hardest hit workers in Washington, the State's timber workers, with Senator DOLE. As a result of those discussions, Senator DOLE included a special provision for Washington's timber workers. Under this provision, Washington's timber workers were given preferential access to between \$80 and \$100 million of discretionary funds under title III of the Job Training Partnership Act.

I voted for Senator DOLE's amendment and against the Democratic alternative because I was sure I was voting for the bill which put money into the pockets of all of Washington's unemployed and provided extra training benefits for northwest timber workers. It is interesting to note the last amendment added to Senator BENTSEN's irresponsible unemployment benefits extension was exactly the provision added by Senator DOLE for Washington's timber workers. Without my efforts, that provision would never have seen the light of day.

With this exception, the Democrats, who can smell political gain with no fiscal pain a mile away, produced a completely irresponsible package to help the unemployed. Knowing that when it comes to budget deficits, they can always blame the President, the Democratic package simply adds the \$6 billion to the deficit to pay for their extension of benefits. This is particularly irresponsible because it was so easy to find the money without increasing either individual or business taxes.

Amazingly, Mr. President, during all of the debate on the Democratic and Republican version of unemployment benefits extension I never heard anyone argue against Senator DOLE's revenue raising mechanism.

The Dole revenue raisers generate funds through two mechanisms. First, the Republican alternative raised significant revenues through auctioning the unused portion of the Government-owned electromagnetic spectrum. Second, Senator DOLE's bill offsets the bill's cost by student loan reform and other debt management and collection practices for student loans.

The Dole bill was able to raise \$4 billion over 5 years. While this was not enough to offset the irresponsibility of the Democratic alternative, it is astounding that the Democrats could not muster the political will to raise revenues by selling Government property to businesses who are essentially speculating on future telecommunications uses and by making necessary student loan reforms.

Mr. President, I think the inability of the Democrats to offer a reasonable and responsible plan to benefit its own constituency carries one vital message: how callously the Democrats treat those whom they loudly claim to be protecting. What does it say, Mr. President, when the Democratic Party cannot muster the political will to actually bring home the bacon to its own constituency through something as noncontroversial as charging for the use of Government property or through basic loan reform?

As a result of this failure, the bill will be vetoed and not one dime of this Democratic alternative will ever reach the pockets of America's workers. For that, Mr. President, the Democratic leadership is responsible.

Mr. LAUTENBERG. Mr. President, I rise in support of the conference report accompanying S. 1722, the Emergency Unemployment Compensation Act of 1991. I commend the chairman of the Finance Committee for his leadership.

The current recession has forced millions of Americans out of work. The administration said this would be a brief economic downturn. The administration was wrong. People in this country are suffering. Nearly 9 million people are out of work in our country. This is an increase of more than 2 million in

the past 2 years. In my State, 269,000 people are unemployed.

Mr. President, the current unemployment insurance system is not meeting the needs of New Jerseyans. Presently, over 12,000 New Jersey residents are exhausting their unemployment benefits each month. While the need for relief for these people has grown, so has the surplus in the unemployment insurance trust fund. This makes no sense. The trust fund moneys are there for these people. The administration wants to hoard this money that was collected for just the kind of emergency unemployed workers face today.

It is time the Federal Government took action to provide needy families with minimal assistance for food and shelter. Without this emergency unemployment compensation bill, millions more Americans will exhaust their unemployment benefits and force more and more families into poverty.

Mr. President, last month I received a letter from a constituent of mine. He told a story which is sadly becoming more and more of a reality for people all over this country. A 53-year-old man wrote to me that he has been unemployed for over 2 years after working for 28 straight years. He has spent 2 years contacting friends, former business associates, clergy, responded to advertisements, used a placement service, and written to hundreds of potential employers to try to get a job, but to no avail. For the first time in his life he filed for and received unemployment benefits. These benefits have since expired and his family is now without income. Because he has exhausted his benefits and cannot find a job, he and his wife have been forced to sell their house.

Mr. President, I am the first public official that he has ever written to. He wrote that he did this only because his situation is desperate. Mr. President, how should I respond to this man? Should I tell him that the Bush administration thinks the recess is almost over? Should I tell him that the administration does not think his situation and the situation of other unemployed Americans qualify as an emergency? Should I tell him that the existing unemployment insurance system is adequate?

Mr. President, instead of feeding him the White House line, we should extend an economic lifeline. That is what unemployment compensation is all about.

We need to give relief to these people who cannot find work, who cannot put food on their tables, who are losing their homes. The time to act is now.

I urge my colleagues to support adoption of this conference report.

Mr. SANFORD. Mr. President, I rise today in strong support of S. 1722, the Emergency Unemployment Compensation Act of 1991. I am pleased to be a cosponsor of this bill in a time when many Americans are finding them-

selves in a never-ending state of despair. This bill will enable those without jobs to continue paying their bills and purchasing necessities while still contributing to the economy we so desperately need to rejuvenate.

At this time, the United States is experiencing a 7-percent unemployment rate—the highest we have had in 5 years. This figure translates into 8.75 million Americans who need our assistance. The Department of Labor estimates that the number of workers who exhaust their normal unemployment benefits will reach 3.1 million for fiscal year 1991 and will continue to grow to 3.4 million in fiscal year 1992. The number of long-term unemployed has increased faster in the Bush recession than during the Reagan near-depression of 1981-82. Almost all of these Americans are unable to obtain additional unemployment benefits after having exhausted their normal benefits.

In my State of North Carolina, 6 percent of the population remains without work, and the number of job seekers who are exhausting the normal 6 months' benefits grows by the thousands every week. These willing workers need this extension of unemployment benefits. I have received many letters from my constituents asking that I do everything in my power to assure that this bill gets the support that it needs to become law. This is what I am asking for today, my fellow colleagues, your vote to ensure that these people do not have to suffer any longer.

Obviously, the existing Unemployment Insurance Program is inadequate. Current provisions require that an unusually high unemployment level remains constant for at least 13 weeks before unemployed workers can qualify for extended benefits. This amount of lag time can devastate families and communities who struggle to survive on nothing. The harsh reality is that even as our unemployment level has risen to 7 percent, most States have not qualified for the extended benefits they so desperately need.

Something must be done and soon. The Bush administration repeatedly fails to address our vital domestic issues. Simply claiming the recession is over will not solve our problems here at home.

Opponents argue that extending benefits costs too much and will increase the budget deficit. It is not so. This money to fund the extended benefits program comes from a trust fund—the unemployment insurance premiums paid over the years by employers—and that fund actually has a surplus. The irony is that, because of Washington's pitiful budget practices, that \$8 billion unemployment insurance fund surplus has been borrowed to pay for other things.

The estimated cost of this action is approximately \$5.2 billion in fiscal year

1992, which accounts for only a portion of the \$8 billion currently entrusted in the extended unemployment compensation account of the unemployment compensation trust fund. This growing surplus is clear evidence that the Extended Benefits Program is failing to perform its intended function of drawing on its reserves to pay benefits during a recession. In addition, this bill is intended to be only a temporary measure to aid the United States in its quest toward economic recovery.

In short, the money in the extended unemployment compensation account has been grabbed to provide cover for the President's budget woes instead of being held safe to be spent as it was intended. I hope this budget game stops and these funds make their way to those who need them most—out-of-work Americans.

I stand here today to urge all of my fellow Senators to vote for this desperately needed bill. These extended benefits will help unemployed people in every State remain financially solvent while looking for work. It is high time for President Bush to address the problems that the American people face on a daily basis. The Emergency Unemployment Compensation Act of 1991 must be passed, or our families, communities, and Nation will suffer.

The PRESIDING OFFICER. All time, under the previous order, has expired. The question is on agreeing to the motion of the Senator from Tennessee, Senator SASSER, to waive the Congressional Budget Act for the consideration of the conference report on S. 1722. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

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

The yeas and nays resulted—yeas 65, nays 34, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—65

Adams	Dixon	Lautenberg
Akaka	Dodd	Leahy
Baucus	Exon	Levin
Bentsen	Ford	Lieberman
Biden	Fowler	Metzenbaum
Bingaman	Glenn	Mikulski
Boren	Gore	Mitchell
Bradley	Graham	Moynihan
Breaux	Harkin	Nunn
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pell
Burdick	Hollings	Pryor
Byrd	Inouye	Reid
Chafee	Jeffords	Riegle
Cohen	Johnston	Robb
Conrad	Kasten	Rockefeller
Cranston	Kennedy	Sanford
D'Amato	Kerry	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Kohl	

Shelby  
Simon

Bond  
Brown  
Burns  
Coats  
Cochran  
Craig  
Danforth  
Dole  
Domenici  
Durenberger  
Garn  
Gorton

Specter  
Wellstone

Gramm  
Grassley  
Hatch  
Kassebaum  
Lott  
Lugar  
Mack  
McCain  
McConnell  
Merkowski  
Nickles  
Pressler

Wirth  
Wofford

Roth  
Rudman  
Seymour  
Simpson  
Smith  
Stevens  
Symms  
Thurmond  
Wallop  
Warner

Shelby  
Simon

Bond  
Brown  
Burns  
Coats  
Cochran  
Craig  
Danforth  
Dole  
Domenici  
Durenberger  
Garn  
Gorton

Specter  
Wellstone

Gramm  
Grassley  
Hatch  
Helms  
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McCain  
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Merkowski  
Nickles

Wirth  
Wofford

Pressler  
Roth  
Rudman  
Seymour  
Simpson  
Smith  
Stevens  
Symms  
Thurmond  
Wallop  
Warner

NAYS—34

NAYS—35

NOT VOTING—1

Helms

NOT VOTING—0

The PRESIDING OFFICER. On this vote the yeas are 65 and the nays are 34. Three-fifths of the Senators present and voting, having voted in the affirmative, the motion to waive the Budget Act is agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the adoption of the conference report.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant 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.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—65

Adams	Dixon	Lautenberg
Akaka	Dodd	Leahy
Baucus	Exon	Levin
Bentsen	Ford	Lieberman
Biden	Fowler	Metzenbaum
Bingaman	Glenn	Mikulski
Boren	Gore	Mitchell
Bradley	Graham	Moynihan
Breaux	Harkin	Nunn
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pell
Burdick	Hollings	Pryor
Byrd	Inouye	Reid
Chafee	Jeffords	Riegle
Cohen	Johnston	Robb
Conrad	Kasten	Rockefeller
Cranston	Kennedy	Sanford
D'Amato	Kerry	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Kohl	

So the conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. DOLE. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

(Quorum No. 2)

Adams	Fowler	Mitchell
Akaka	Garn	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gore	Nickles
Biden	Gorton	Nunn
Bingaman	Graham	Packwood
Bond	Gramm	Pell
Boren	Grassley	Pressler
Bradley	Harkin	Pryor
Breaux	Hatch	Reid
Brown	Hatfield	Riegle
Bryan	Heflin	Robb
Bumpers	Helms	Rockefeller
Burdick	Hollings	Roth
Burns	Inouye	Rudman
Byrd	Jeffords	Sanford
Chafee	Johnston	Sarbanes
Coats	Kassebaum	Sasser
Cochran	Kasten	Seymour
Cohen	Kennedy	Shelby
Conrad	Kerrey	Simon
Craig	Kerry	Simpson
Cranston	Kohl	Smith
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stevens
Daschle	Levin	Symms
DeConcini	Lieberman	Thurmond
Dixon	Lott	Wallop
Dodd	Lugar	Warner
Dole	Mack	Wellstone
Domenici	McCain	Wirth
Durenberger	McConnell	Wofford
Exon	Metzenbaum	
Ford	Mikulski	

The PRESIDING OFFICER. A quorum is present.

FAMILY AND MEDICAL LEAVE  
ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 5, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes:

George Mitchell, Christopher Dodd, Wendell Ford, Paul Wellstone, J.R. Biden, Jr., Daniel K. Akaka, Charles S. Robb, B.A. Mikulski, James Sasser, Howard Metzenbaum, Timothy E. Wirth, Edward M. Kennedy, Paul Simon, Patrick Leahy, Richard Bryan, Harris Wofford.

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

The PRESIDING OFFICER. The yeas and nays are automatic.

The Republican leader.

Mr. DOLE. Leaders' time has been reserved; is that correct?

The PRESIDING OFFICER. Leader time has been reserved.

Mr. DOLE. I have 10 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes.

UNEMPLOYMENT INSURANCE

Mr. DOLE. Mr. President, the campaign season has begun. Like the trees turning in the fall, the start of the campaign season is apparent when the truth is swept under the rug, warts are called beauty marks, and the only subjects we hear about are those where raw political advantage is coveted.

Unfortunately, Mr. President, in this process it is not just the truth which suffers. Our stated purpose today is to help the unemployed. Unless we get to the truth—drop the politics and get to the truth—we will end up hurting, not helping, the unemployed.

At the very time that the Democratic controlled Congress is pointing a finger at President Bush and wrongly accusing him of not being sympathetic to the plight of the unemployed, the Democratic controlled Congress is forcing thousands of Americans off the wage rolls and onto the unemployment rolls.

Mr. President, I remind my colleagues that today is October 1—the first day of fiscal year 1992. Today was and is the day by which the Congress was supposed to have done its job and pass a highway bill. We have failed in that task.

And what are the consequences? As Congress debates how to raise taxes on

the American public, an estimated 22,000 jobs and \$1.3 billion in output will be lost in the very near future in the construction industry alone. When you add the service industries, manufacturing, transportation and others dependent on the highway and mass transit programs, the totals jump to 87,400 jobs and \$5.9 billion in economic output.

These are not my numbers; they come from the American Association of State Highway and Transportation Officials, the very people who administer each and every highway and transit program in every State in the country—these are the officials who write the checks, or at least used to write the checks.

Let us look at the consequences another way. This same organization surveyed every State transportation department and found 10 States will stop all activities today: They are out of money; they are flat broke because the Congress spends its time on politics and not the job it was elected to complete. Ten additional States might make it for as long as 2 months and 12 other States for possibly up to 3 months.

Let me be clear about exactly what this means. If Senators are thinking about helping the unemployed, and if those Senators represent Alabama, Arkansas, Connecticut, Florida, Nebraska, North Dakota, Oregon, Tennessee, Virginia, or Wisconsin, you are looking at the wrong bill.

For those 10 States today, the money is gone. You could have new, congressionally mandated unemployed in your State today. A lot of people are going to be out of work in those 10 States. Those from Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Missouri, Ohio, Texas, and Wyoming may—that is may—have as long as 60 days.

So before we rush headlong into a bloody fight over a bill that will never become law, before politics takes a front seat to our concern for the unemployed, I urge my colleagues not to let a new wave of tens of thousands of unemployed be on the hands of the Congress. The clock has started, the unemployed are receiving layoff notices today.

Let me go back and make certain people understand the exact figures. As I said earlier, what are the consequences? As Congress debates on how to raise taxes on the American public, an estimated 22,000 jobs and \$1.3 billion in output will be lost in the very near future in the construction industry alone. When you add the service industries, manufacturing, transportation, and others dependent on highway and mass transit programs, the total jumps to 87,400—87,400 jobs and \$5.9 billion in economic output.

DOLE-DOMENICI-ROTH  
ALTERNATIVE

Mr. DOLE. Mr. President, later this afternoon as we continue to address not only this bill, but family leave, after lunch, I will introduce, along with Senator DOMENICI and other Senators, a bill similar to the alternative offered last week, but with certain significant changes. In addition to the 6 and 10 weeks of extended benefits, this bill takes aim at the so-called pockets of unemployment. Certainly, there are problems out there with the loggers in the Northwest, high-tech industries in the Northeast and West, and banking and financial service industries in spots around the country.

This legislation directs the Secretary of Labor to establish a comprehensive economic adjustment program targeted at those geographic areas hit by downturns that are not reflected in the economy as a whole. This program would include adjustment assistance, training, job search assistance, and relocation assistance to enable dislocated workers to be reintegrated into the economy. This program also address needs related to income support while the services were delivered.

In addition, Mr. President, this legislation directs the Secretary of Labor to study the advantages and disadvantages of using the insured unemployment rate. There was a lot of talk whether it should be total unemployed or the insured unemployment rate—exhaustees versus total unemployment rate as a trigger for extended benefits program.

We have heard a lot of debate on the floor as to whether IUR or TUR is better, and this study should help put this issue to rest.

Mr. President, this is the same bill that pays for itself through the spectrum auction and certain reforms of collection of Government student loans. There is no sequester under this bill. I want to underscore that, because there was some debate last week on the floor: Oh, you are going to have a sequester. There is no sequester in this bill, and there is no need for the President to declare an emergency because this legislation is deficit neutral. It respects the budget agreement and abides by the discipline agreed to on a bipartisan basis less than a year ago.

In short, Mr. President, unlike the conference report we just passed, which increases the deficit, not \$5.6 billion, as earlier indicated, but now it is \$6.2 billion, this provides targeted benefits to unemployed workers without mortgaging our children's future.

Mr. President, the most important fact about this bill that I can tell you—

The PRESIDING OFFICER. The Chair apologizes for interrupting the distinguished minority leader.

Mr. DOLE. Mr. President, what time is it?

The PRESIDING OFFICER. The Senator has 1 minute 24 seconds remaining under his leadership time, but under the previous order, the hour of 12:30 having arrived—

Mr. DOLE. I reserve the remainder of my time. The Senate is to go into recess.

The PRESIDING OFFICER. Under the previous order, the Senate is to stand in recess until 2:15.

The distinguished majority leader.

Mr. MITCHELL. Mr. President, I will momentarily ask unanimous consent that I be permitted to address the Senate during my leader time for the purposes of discussing the situation with respect to the family and medical leave bill, and to make comment on the legislation to which the Senator is now referring.

Mr. President, how much leader time do I have?

The PRESIDING OFFICER. The majority leader has 7 minutes.

Mr. MITCHELL. Mr. President, under previous agreements, it was—

The PRESIDING OFFICER. Is the majority leader asking unanimous consent to speak prior to the recess?

Mr. MITCHELL. Yes. I ask unanimous consent I may be permitted to address the Senate in my leader time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, under previous agreements printed in today's calendar, it was our intention to complete action on the unemployment insurance bill this morning and then to proceed directly to a vote on the cloture motion on the motion to proceed to the family leave bill.

That has not occurred because the distinguished Republican leader was able successfully to delay the occurrence of that vote. I regret that, as he knows. He acted certainly within his rights under the rules. It is my intention to proceed as promptly as possible, consistent with the rules, to obtain a vote, on the family medical leave bill, on the cloture motion to the motion to proceed.

Now, several Senators, primarily Republican Senators, have asked me about the cloture motion and are under what I believe to be a misapprehension as to the effect of the vote on cloture on the motion to proceed. Specifically, I was asked does this mean that Senator HATCH will not be able to offer his amendment? Does this mean that we are trying to shut out Senator HATCH or anyone else?

I first want to assure everyone that, first, this is a vote on cloture on the motion to proceed to the bill. It does not shut anybody out on anything. It has never been our intention to shut anybody out on anything. Indeed, earlier this morning at my direction the majority staff provided to the minority staff a proposed unanimous-consent re-

quest which would guarantee Senator HATCH a vote on his alternative and would guarantee Senator BOND and Senator FORD a vote on their amendment. I previously discussed this with the Republican leader and I will now ask unanimous consent pursuant to that suggestion so there can be no misunderstanding in this regard.

#### UNANIMOUS CONSENT REQUEST— S. 5

Mr. MITCHELL. Mr. President, during the consideration of S. 5, the family medical leave bill, I ask unanimous consent that following opening statements by the two managers, Senator BOND be recognized to offer a perfecting amendment on behalf of himself and Senator FORD, that there be 2 hours of debate equally divided and controlled in the usual form on the amendment, that no amendments to the amendment be in order, and that at the conclusion of yielding back of the time on the amendment, the Senate vote on the Bond-Ford amendment; that following the disposition of Bond-Ford amendment, Senator HATCH be recognized to offer a substitute amendment, that there be 2 hours of debate equally divided and controlled in the usual form on the Hatch substitute, that no amendments to the amendment be in order, and that at the conclusion or yielding back of time on the Hatch substitute, the Senate vote on the Hatch substitute amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. I wanted to make certain. I shall object, not because I have any problem with the request but because I think this will be a vote on a motion to proceed. And on the motion to proceed, if cloture is invoked, obviously we will have 30 hours of debate on the motion to proceed. But I am not trying to invoke cloture on the bill, so those amendments are going to be offered. And we are not trying to preclude anybody. In fact, we had several Senators present to offer amendments to the bill.

So on that basis—we have no objection, this is not cloture on the bill—I object.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I just wanted to make it clear that no Senator should be under any misapprehension that a vote on cloture on the motion to proceed would somehow preclude any Senator from offering an amendment. We welcome any amendments, and as I said would be prepared to agree to, as I just proposed, that we guarantee Senator HATCH a vote up or

down on his amendment after whatever time for debate the relevant parties request.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. Let me underscore what the majority leader just said. This is a parliamentary maneuver right now. We have been trying to accommodate the Senator from Connecticut, but it is hard to accommodate the Senator from Connecticut. We have not worked out a plan that can accommodate him, and also accommodate Members on this side.

My own view is I am totally opposed to this legislation. In my view, it is bad legislation. I hope it never passes. Others have a different view. We hope that we could still resolve some of the issues if at all possible to do that.

But I wanted to ask the majority leader, in the event cloture should be invoked on the bill, what impact could that have on consideration of the Thomas nomination?

Mr. MITCHELL. Mr. President, as the distinguished Republican leader knows, we have discussed several times, as recently as this morning, the schedule of events prior to the Columbus Day recess, and I indicated that we would be able to extend the recess were we able to complete action on certain measures. Included among them was the action on the Thomas nomination. And at that time we had in mind doing the civil rights bill and either finishing the family leave bill or getting an agreement to vote on it by a time certain upon return.

Since we had that colloquy on the floor, Senator DANFORTH, who is the principal author of the civil rights bill in its current form that will be debated and voted on, who had previously requested that it be brought up this week, in the intervening time asked that I delay action on it until after the recess.

As I have indicated to the distinguished Republican leader, I am perfectly prepared to try to accommodate Senator DANFORTH. So I told him and I told the distinguished Republican leader that we would not act on it this week as originally requested because the request changed, and I wanted to accommodate him and the Republican leader.

That being the case, I would like to proceed with the family leave bill. We are not able to do that now. We will presumably have a vote on the cloture motion sometime this afternoon—I think we will be able to get to it, and I hope shortly after the recess for the party conferences. I would like to complete action on that bill and then go to the Thomas nomination.

I have indicated I do want to do the Thomas nomination, and as the distinguished Republican leader knows, if cloture is obtained, it will take consent to conduct any other business.

Mr. DOLE. That is the point I wanted to make. I am not certain when cloture will be filed on the bill if cloture is obtained, as I assume it will be, on the motion to proceed, or whether the majority leader has any intent to immediately file cloture on the bill.

Mr. MITCHELL. No, I do not. I can say to the distinguished Republican leader that I specifically do not have any intention to file cloture immediately on the bill. As he knows, on many occasions in the past few years we have discussed this and make an effort to accommodate anyone who has an amendment they want to offer.

If it becomes clear that amendments are not relevant and they are being offered as an effort to delay or kill the bill, then obviously we have to consider that. So I do not want to rule out permanently the possibility of filing cloture on the bill. But I have no intention of doing so immediately, do not plan to do so, and frankly hope that we do not have to do so.

Mr. DOLE. I thank the majority leader.

The PRESIDING OFFICER. The leader's time has expired.

Mr. DOLE. I yield the floor.

#### RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

The PRESIDING OFFICER. Under the previous order, the pending business is the vote on the motion to proceed to the consideration of S. 5, the family medical leave bill.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 5 shall it be brought to a close?

Mr. DOLE. 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. MITCHELL. 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.

#### DEPARTMENT OF THE ENVIRONMENT ACT OF 1991

Mr. MITCHELL. Mr. President, I ask that the vote on the cloture motion on the motion to proceed to the family leave bill be temporarily set aside, and that the Senate proceed to the consideration of S. 533, the Department of the Environment Act, as under the previous order, relating to that act.

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

The legislative clerk read as follows:

A bill (S. 533) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed the consideration of the bill.

#### MODIFIED UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, the prior agreement provided that there be 10 minutes for debate, equally divided. I now ask unanimous consent that the agreement be modified to provide for 10 minutes under the control of Senator HELMS, and 5 minutes under the control of Senator GLENN; that following the use or yielding back of that time, the Senate then proceeding to final disposition.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I have received a distinct honor about every year that I have been in the Senate; I have been named as one of the dirty dozen by self-proclaimed environmentalists of this country.

All of us are in favor of protecting the environment. I have a son who is especially interested in the environment. He is a forestry graduate from North Carolina State University, but he says these self-proclaimed environmentalists are dead wrong in the way they are trying to protect the environment.

So, Mr. President, I asked for a few minutes to speak on the pending bill. I strenuously oppose elevating the Environmental Protection Agency to Cabinet level because it will inevitably lead to more bureaucrats, and of course more bureaucracy and more harassment of well-intentioned American citizens.

I would like a rollcall vote on creation of this agency, but there are some Senators who do not want a rollcall vote, and as an accommodation to them, I am not going to insist on one.

I think we all ought to be on record, because down the road, I expect that the American people will regret the action that the Senate is about to take on a voice vote.

Every time the Congress creates a new department, Mr. President, it costs the taxpayers an enormous amount of money. As I said, more bureaucrats, more bureaucracy, more spending. In the case of the Environmental Protection Agency, it will take millions of dollars just to change the stationery and the logos, and all their multitude of publications loaded with propaganda.

Once the EPA becomes a department, this already enormous bureaucracy will grow and grow and grow, just like Topsy. This new department, mark my word, will extend its tentacles across America just like an octopus, and bring every small business within its grasp.

There are countless examples of EPA bureaucrats exercising overzealous enforcement of environmental laws. I have a friend named Thurman Sensey, who told me that one time he was coming to my office from National Airport in a taxicab. They stopped at a stop light right in front of the Archives Building and in the marble appear the words: "What is past is prolog."

Thurman thought he would have fun with the cab driver, so he read aloud the words engraved in the marble. He said, "What is past is prolog," and he said, "Driver, what does that mean," thinking the driver would say, "I do not know what it means."

But the driver knew. He said, "Sir, that means you ain't seen nothing yet." So, "You ain't seen nothing yet," when it comes to the overzealousness of the self-proclaimed professional environmentalists, until you make a department out of this organization.

Let me cite just a few examples. First, there is the case of a man named Larry Gerbaz, who is a rancher out in Colorado. Now, a river running adjacent to this man's property jumped its banks, endangering his home and his family. Mr. Gerbaz frantically tried to get a permit from the EPA to put some stones on the bank of the river to stop the flooding, and the EPA refused. When he tried to protect his property, the EPA prosecuted him for water pollution, and they slapped him with a \$95 million fine. Come on, Mr. President.

Then there is the case of a man named John Pozsgai of Pennsylvania, who decided to clean up an old junkyard that he had purchased. The EPA decided to prosecute this man, who was a Hungarian immigrant. And do you know what his sin was, Mr. President? He had presumed to place some topsoil in so-called wetlands.

But the property was not a swamp or a marsh, nor a habitat for exotic animals or rare plants. This piece of land was called a wetlands by the EPA simply because of the presence of some skunk cabbage. You know what skunk cabbage is; it is just a common weed.

EPA Special Agent Blodgett videotaped Mr. Pozsgai cleaning up the land, and then these special agents of the EPA stormed his house, carrying guns, and arrested him. And for this terrible crime that he had committed, cleaning up a junkyard, he was sentenced to 3 years in jail and fined \$202,000. The Washington Legal Foundation, bless their hearts, appealed this outrageous sentence on Mr. Pozsgai's behalf.

Mr. President, I ask unanimous consent that several articles by printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. HELMS. Another example, Mr. President. The Superfund boondoggle. Now, if there ever was one, this is a classic example of bureaucratic mismanagement, cost overruns, and harassment of America's citizens.

A Washington Post article of June 19 of this year exposed the EPA's abuse of the Superfund money. The Post reported that one-third of the \$200 million Superfund budget is in fact spent on administrative expenses and consulting fees: You scratch my back, and you get a big check; and I will let you scratch mine, and I will get a big check. And that is the way Washington works, using the taxpayers' money.

An EPA official conceded, and this is the statement of the week:

We have a mess on our hands. . . We have too much equipment out there. We have too many contractors traveling to conferences.

You bet they do. They go around, they have cocktail parties and have a big old time living it up at the taxpayers' expense.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 2.)

Mr. HELMS. Mr. President, this is just one example of the type of bureaucratic mismanagement at the EPA.

May I inquire, Mr. President, how much time I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 45 seconds.

Mr. HELMS. I thank the Chair.

Mr. President, then there is the EPA's questionable policy of risk assessment. The agency has built into the system a plethora of inaccuracies and overestimates. As a matter of fact, OMB issued a report last year criticizing EPA's risk assessment methods. The EPA always overstates the risks of various products by looking at extreme, worst-case hypotheticals.

For example, when the EPA bureaucrats are deciding whether a chemical is harmful, they assume that the so-called average person sits on a smokestack and breathes the chemical 24 hours a day for 70 years. That is reductio ad absurdum, as the lawyers say.

In 1989, the EPA's own risk assessment scientists conceded in a report that the cancer risk of toxic pollutants was overstated by anywhere from 10 to 100 times.

Experts now say dioxin is not nearly as bad as the environmental crowd had been claiming all these years. The man who evacuated Times Beach, MO, is now having second thoughts about the harmfulness of dioxin. The U.N. World Health Organization states that our dioxin standards are 1,600 times tougher than is necessary.

Mr. President, it is no wonder that American businesses are struggling to

stay afloat when they are faced with this flood of environmental regulation, which is based on questionable scientific evidence.

But the EPA continues to regulate despite the lack of solid scientific evidence. The EPA's exaggerated risk assessment practices have been described in several newspaper articles. I ask unanimous consent these articles exposing the EPA abuses be printed in the RECORD.

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

(See exhibit 3.)

Mr. HELMS. Mr. President, this EPA policy of fudging the numbers was prevalent during the clean air debate. The EPA actually ignored the 10-year, \$500 million NAPAP study which concluded that acid rain caused minimal harm. The report refuted the need for the stringent provisions in the clean air bill. Nevertheless, the EPA pushed for acid rain provisions that will cost \$4 to \$6 billion a year and tens of thousands of jobs.

Mr. President, CBS' "60 Minutes" program did a great expose on how EPA and Congress ignored the NAPAP report. As Senator GLENN stated on the program "We spent over \$500 million on the most definitive study on acid precipitation \* \* \* and then we don't want to listen to what they say." I ask unanimous consent that the transcript of that program be printed in the RECORD at the end of my remarks.

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

[See exhibit 4.]

Mr. HELMS. Mr. President, these are merely a few examples of EPA mismanagement. In light of this bad record, it seems highly inappropriate to reward the EPA. We need less Government bureaucracy, not more.

#### EXHIBIT 1

[From the Wall Street Journal, Jan. 11, 1990]

#### PROPERTY BUSTERS

Fans of "Ghostbusters" will recall that the movie featured a pompous bully from the Environmental Protection Agency. Well, life is imitating art in Morrisville, Pa., where a flabbergasted truck mechanic is discovering how little regard the EPA has for property rights. Somehow only Bill Murray could muster the bemused astonishment needed for this role.

John Pozsgai is a 57-year-old self-employed mechanic who bought and tried to improve what amounted to an illegal dump next to his home. For his trouble, he's earned a criminal sentence of three years in prison and a \$202,000 fine for fouling U.S. "wetlands." If his experience is the shape of environmental law enforcement to come, Mr. Pozsgai can be forgiven for wondering why he ever fled Communist Hungary in 1956.

Mr. Pozsgai set off on his crime spree when he bought a nearby lot to expand his backyard truck-repair business. The 14-acre lot would remind no one of the Everglades. It's bordered by a tire shop, lumberyard and four-lane expressway, and for 20 years was used by neighbors as an unofficial dump site. Its only endangered species were 7,000 old tires, rusting cars and assorted junk. Mr.

Pozsgai proceeded to clear the mess and spread a layer of clean landfill eagerly deposited by area contractors, as the nearby photos attest.

Somehow his enterprise offended the EPA's enforcers, apparently energized by George Bush's "no net loss of wetlands" campaign pledge. Most Americans probably figure that means protecting Cape Cod or the great blue heron. And indeed the Pozsgai parcel was not even listed on the U.S. National Wetland Inventory Map. But the EPA judged that Mr. Pozsgai's vacant lot contained a stream—dry for most of the year—that somehow crossed the expressway and ran into a glorified ditch known as the Pennsylvania Canal. The EPA also cited as evidence the presence of skunk cabbage, a common weed, and sweet gum, a common tree. By this definition of "wetlands," just about any large American rain puddle will qualify as protected.

The Feds began to harass Mr. Pozsgai to get a permit for his property improvement, though Mr. Pozsgai claims state officials told him he could go ahead without one. The doughty Feds even staked out the property with a video camera to tape trucks dumping dirt. After the Feds got a restraining order, Mr. Pozsgai obliged by putting up barricades, but a few uninformed truck drivers still dumped their unharmed dirt—providing more evidence against the evil emigre.

The Justice Department then charged him with 40 violations of the Clean Water Act, though the act never even uses the word "wetlands." The act merely bans the polluting of "navigable waters" of the U.S. The bar against polluting "wetlands" is a bureaucrat's interpretation of this typically ambiguous congressional law. The jury that convicted Mr. Pozsgai can be forgiven if it was as confused as the prosecutors.

At the sentencing, U.S. Attorney Seth Weber invoked President Bush's campaign pledge and claimed, "A message must be sent to the private landowners, the corporations and developers of this country." Presumably that message is that property owners who offend the government's environmental zealots will end up as indicted felons. Drug dealers can plea bargain, but "landowners" go directly to jail. In a similar case in Pensacola, Fla., a man and his son have been convicted for cleaning out a drainage ditch. Mr. Pozsgai would be in the slammer already if his case hadn't been appealed by the Washington Legal Foundation, a public-interest group. An appellate ruling may come as soon as Friday.

We've thought for some time that environmentalism and property rights are on a collision course. A free society should have room for both, but that's impossible so long as EPA Administrator William Reilly and his crusaders think individual rights have to be sacrificed to their view of the public good. John Pozsgai knows what that means.

[From Forbes Magazine, Jan. 22, 1990]

#### DAINGEROUS CRIMINAL NABBED!

Who is the most notorious environmental criminal in the U.S.? Would you believe a Hungarian immigrant named John Pozsgai? Pozsgai, who owns a small truck repair shop, was convicted in late 1988 of violating the Clean Water Act. His sentence: three years in the slammer and a \$202,000 fine, the stiffest penalty ever for an environmental violation. His crime? Filling in 5 acres of a 14-acre parcel he owns in Morrisville, Pa., near Trenton, without a permit.

Pozsgai, 58, came to the U.S. in the aftermath of the 1956 Hungarian uprising. In 1987

he bought the 14-acre tract so he could expand his business. The property had been used as a dump for years, so Pozsgai began cleaning it up, hauling away more than 7,000 used tires and other debris. He also began filling in the land with clean fill and topsoil.

Unfortunately, Pozsgai's property had been classified as federal wetlands because of a small stream that runs along its edge in wet weather. And he got repeated warnings from local and federal environmental authorities that he could not fill in his land without the proper permits. Pozsgai contends that a series of engineers he hired could not figure out how to file the necessary forms.

The sentence was the maximum allowed, unheard of in a case that involved no hazardous chemicals and no prior convictions, according to the Washington Legal Foundation, which has taken up Pozsgai's case. Pozsgai knowingly and repeatedly violated the law, say the feds, and now must pay the price.

The wetland outlaw's appeal is scheduled to be heard this month.

[From the Washington Post, Jan. 3, 1990]  
**EPA ACCUSED OF MUDDYING ITS "JACKBOOTS"  
 IN PENNSYLVANIA WETLANDS**

(By Howard Kurtz)

MORRISVILLE, PA.—With his thick, blackened hands, grease-stained flannel shirt, soiled work boots and pronounced Hungarian accent, John Pozsgai seems the very model of the hard-working immigrant as he fixes trucks at his garage in this small Delaware River town.

Yet this 57-year-old mechanic has the unhappy distinction of fighting the harshest sentence ever imposed in an environmental case—three years in prison and \$202,000 in fines.

Pozsgai's problems began when he deposited clean topsoil on a ragged, weed-covered lot bordered by a four-lane state highway, a tire shop, a lumberyard and a junkyard filled with smashed cars. Although no toxic waste is involved, the government contends that the property is wetlands that must be protected under the Clean Water Act.

"I didn't even know why I was sentenced. . . . We never did anything wrong to that property except improve it," Pozsgai said recently in the small kitchen of his wood-shingled home across the river from Trenton, N.J.

Pozsgai's cause has been taken up by the Washington Legal Foundation, a conservative advocacy group that has delighted in portraying him as a gray-haired grandfather victimized by an aggressive Justice Department and by "jackboots" of the Environmental Protection Agency (EPA).

The foundation is representing Pozsgai before the 3rd U.S. Circuit Court of Appeals in Philadelphia, which is to take up his case next week.

"You've got the EPA, the Army Corps of Engineers and a zealous prosecutor trying to make an example of this poor Hungarian immigrant, thinking it's an easy hit," said Paul D. Kamenar, the foundation's executive legal director. "It's an overkill. It's bad policy and simply unjust."

But Assistant U.S. Attorney Seth Weber said public sympathy for Pozsgai is misplaced because he ignored "repeated warnings, notices and a court order" not to fill in the 14-acre property across the road from his house.

"The evidence was really overwhelming that his property was a wetland," Weber said. "It's not a Cape Cod kind of wetlands, but it's a wetland under the law. . . ."

"He basically said, 'The law doesn't apply to me because it's my land and I can do whatever I want with it.' That's still his attitude," Weber said.

Keith Onsdorff, EPA's acting associate enforcement counsel, said there have been three other criminal convictions since 1986, when Congress changed some Clean Water Act violations from misdemeanors to felonies.

"We've made it a priority because we were dissatisfied with the level of deterrence provided by civil penalties, which could be passed on as a cost of doing business," he said.

Wetlands are valued by environmentalists as habitat for birds and other wildlife and for their role in flood control. But federal and state enforcement has been spotty until recent years, and half of U.S. wetlands once in existence have been lost.

Still, the Pozsgai property along West Bridge Street is no marshy bog where snowy egrets might lay eggs. It is an unsightly stretch of hard brown soil, bordered on one side by a narrow stream where Bucks County residents for two decades have dumped tires and debris illegally.

"I talked to many engineers," Pozsgai said. "This piece of land will never qualify as a wetland. They cannot tell you, actually, what makes it a wetland," he said, pronouncing it "vetland."

A strong-willed man who fled Hungary after the 1956 uprising, Pozsgai said he wanted the property to expand the backyard repair shop that he uses to support himself and his ailing wife, Gizella. Pozsgai works seven days a week at the garage, which he opened after his longtime employer, International Harvester, closed its Trenton plant several years ago.

Pozsgai bought the land in June 1987 and helped to haul away thousands of tires and debris. He then used topsoil, gladly provided by area contractors looking for a place to dump excess dirt, to fill in and grade part of the site.

At his trial, however, several witnesses contradicted Pozsgai's insistence that he never knew that the property was wetlands. The real estate agent who handled the sale said the price was reduced from \$175,000 to \$142,500 after an engineering firm hired by Pozsgai found wetlands at the site.

A Corps of Engineers inspector said he told Pozsgai to obtain a permit before filling in the land and later served him with a "cease and desist" letter. A local official said that he warned Pozsgai "seven or eight times" against putting down more topsoil but that Pozsgai told him "to get the [expletive] off the property." Neighbors said their basements had been flooded, and one allowed the EPA to set up a surveillance camera at her home.

Pozsgai disputed these accounts, saying federal officials told him that he did not need a permit. Police arrived at his house in August 1988 with a court order barring further filling of the property.

Pozsgai drove to Harrisburg in a fruitless attempt to resolve the dispute with Pennsylvania officials, saying: "I didn't know about the law, and I didn't have no lawyer." In the meantime, Pozsgai said, he was unaware that contractors were continuing to dump topsoil on his lot, which he says was blocked with barrels and tree stumps.

Days later, police handcuffed Pozsgai and took him to jail until his daughter, Victoria, posted \$10,000 bail. He was represented at trial by a neighborhood lawyer who he says bungled the case. A jury convicted Pozsgai on the last day of 1988.

Prosecutor Weber said at sentencing that the case was a harbinger of President Bush's policy to prevent net loss of wetlands. "A message must be sent to the private land owners, the corporations, the developers of this country," he said.

U.S. District Judge Marin Katz called Pozsgai a "stubborn violator" of environmental laws and said the prison term should "serve as a deterrent to others who will doubtless be tempted by economic pressures."

Victoria Pozsgai, 24, a marketing researcher who spends most of her spare time on the case, said that she approached several Washington law firms about handling her father's appeal but that they asked for \$30,000 to \$40,000 up front. Then she heard about the Washington Legal Foundation, which agreed to handle the appeal without charge.

"It was just a godsend," she said. "We don't have the resources to fight the government. We're a family. We're not a big corporation."

The foundation's brief says Pozsgai's sentence violates the Eighth Amendment ban on "cruel and unusual" punishment and is "grossly disproportionate" to the probation and fines usually imposed in hazardous-waste cases. The Justice Department says the penalty is well within federal sentencing guidelines.

Other parts of the appeal turn on such arcane questions as whether the small stream along the property becomes a tributary of the Pennsylvania Canal and whether that canal formerly was used in interstate commerce.

Pozsgai refuses to concede even inadvertent wrongdoing. "We thought this was a free country here—you buy a piece of land; you use it," he said.

[From the Washington Times, Dec. 20, 1989]

**WETLANDS FIRST; PEOPLE SECOND**

John Pozsgai probably didn't expect any medals for cleaning up an unsightly dump site to put his business there. The Hungarian emigre just wanted a chance to expand his small truck-repair business to help support his wife and daughters. Well, not to worry about the medals. If the Environmental Protection Agency gets its way, Mr. Pozsgai's reward will be three years in prison.

His crime? In removing the more than 7,000 tires, the rusted auto parts and assorted junk that had piled up over the years at his Morrisville, Pa., property, Mr. Pozsgai put down top soil and earth. That, said the EPA, is a violation of wetlands protections laid out in the Clean Water Act.

There is, you see, a small stream that, when it's not bone dry, runs along the eastern edge of the 14-acre property. That supposedly makes a junkyard a wetland, even if it's bounded by two major highways, a tire dealership, and an automobile salvage yard. Never mind that it's not on the Department of Interior's National Wetland Inventory Map. Never mind that, as the government acknowledges, Mr. Pozsgai put no pollutants or hazardous waste on the property. Or that he didn't threaten endangered species or water quality.

Under the prodding of EPA officials waving President Bush's "no-net-loss-of-wetlands" campaign pledge, a district court sentenced him to the maximum three years in jail and fined him more than \$200,000. This is the longest jail term ever for environmental violations, even for real polluters.

Mr. Pozsgai's real crime in this case seems to be that neither he nor the engineers he consulted were immediately able to nego-

tiate the regulatory maze that allows you to put topsoil on your property. It takes a permit to do that on a wetland, depending on which regulations you read, whose advice you get and what day of the week it is. Washington Legal Foundation lawyers representing Mr. Pozsgai, who had no prior criminal record, say he didn't need a permit. But EPA undercover-types, who secretly filmed trucks bringing the illicit topsoil to the property, say he did. An appeals court has tentatively scheduled a hearing on the case next month.

Mr. Pozsgai, unfortunately, isn't the only one to run afoul of the wetlands police. A Florida retiree and his son were jailed after putting a half-acre of clean fill and topsoil on his property without permit, although state officials told him none was needed. And Alaska officials are understandably worried that a no-net-loss policy would mean no net growth and no new oil there because more than half the state, and almost all the 37-million-acre oil-rich North Slope, is considered wetlands.

These are the sorts of problems that occur when save-the-whales-style environmentalism jumps off the bumper stickers and starts chasing real people in real life. Acid-rain legislation means throwing coal miners out of their jobs, global-warming activists want to keep the Third World in pristine low-emission poverty—all for uncertain benefit.

Likewise, wetlands worship may be nice in the abstract, but in practice it means putting the nation's energy security on hold and beating up on small businessmen. The irony is that Mr. Pozsgai, who fled communist oppression in Hungary, now finds his freedom trampled under the EPA jackboot. If this is what Mr. Bush and EPA Administrator William Reilly mean by a kinder and gentler America, let them explain it to John Pozsgai.

#### EXHIBIT 2

[From the Washington Post, June 19, 1991]  
ADMINISTRATIVE COSTS DRAIN "SUPERFUND"  
(By Michael Weisskopf)

Nearly one-third of the \$200 million spent by the federal government since 1988 to clean up the nation's worst toxic waste sites has been spent not to clean up anything, but to pay the administrative expenses of private contractors.

In the jargon of the Environmental Protection Agency (EPA), which runs the cleanup program, the money has gone to "program management"—a loosely defined category of overhead covering everything from fringe benefits to office rents, business cards and parking fees of the engineering firms hired to carry out the work.

Program management is supposed to compensate firms for the costs of paperwork and coordination of cleanup projects under the EPA's "Superfund," created by Congress in 1980 to rescue communities from poisonous debris dumped by industry for decades. But the agency has so broadly defined those costs, and so widely distributed its largess under a new structure set up three years ago that administrative expenses have risen to twice the hourly rate of earlier Superfund contracts and nearly three times the spending target of agency planners.

The payments go far beyond the terms of most government contracts, which pay only for the actual time and expenses needed to administer their projects. Under program management, the EPA agreed in advance to set up semi-permanent offices for 45 compa-

nies hired since 1988 to plan, arrange for and supervise cleanups they are contracted to carry out. Rent and salaries are paid, business costs such as training and recruitment are covered, and profit and bonuses are awarded—regardless of how many cleanup jobs they have to manage.

Congressional critics frequently complain of too few cleanups—64 of the currently listed 1,200 Superfund sites have been completed with the \$7.5 billion spent since 1981. Yet there has been no public examination of how appropriations to one of the nation's largest public works projects actually are spent.

A close look at the Superfund budget since 1988 reveals an increasing share for administration—\$62 million in all—paid to some of the nation's largest engineering firms for services only remotely related to the cleanup of toxic waste. Existing 10-year contracts are expected to cost \$6.5 billion between 1988 and 1998. At the current rate, program management would consume nearly \$2 billion of that.

According to interviews and an extensive review of EPA records obtained by The Washington Post under Freedom of Information Act requests, program management includes a number of questionable expenses, none of which appears to fall outside the broadly drawn EPA limits. For example:

The EPA has paid millions of dollars in "start-up" money to the program management offices of contractors before they had a cleanup project to manage.

Four West Coast firms among them received \$855,000 in the spring and summer of 1989 without having to visit a single toxic waste site. For the \$260,000 paid one of them—URS Consultants Inc.—its Sacramento, Calif., branch spent four months basically gearing up its administrative apparatus and lining up subcontractors.

The EPA has paid some firms twice as much money to administer cleanups as the firms spent on the cleanups themselves.

One such firm is the New England office of Roy F. Weston, Inc., which has received \$635,000 to administer Superfund fieldwork that cost \$340,000.

Not everything EPA buys its contractors is obviously related to cleaning up toxic waste. The Dallas office of Fluor Daniel Inc., for example, collected \$162 for potted plants, \$400 for business cards and \$4,200 for technical books and journals.

The EPA has paid for millions of dollars worth of pollution-detection devices for which contractors short of cleanup assignments have no immediate use.

For example, half the \$445,000 worth of equipment bought for Malcolm Pirnie Inc., of New York, since August 1989 sits unused in a warehouse leased by the EPA for \$30,000 a year. Identical devices also were purchased for other firms in the area.

The EPA has awarded tens of thousands of dollars in bonuses for program management, even though agency officials had sharply criticized the same programs for excessive costs, tardiness, wastefulness, sloppiness and unresponsiveness.

In Kansas, for example, Jacobs Engineering Group was criticized in 1989 for failing to demonstrate "cost consciousness" and control of its labor costs. But the firm was given a quarterly bonus of \$6,785 for program management. Five months later, the EPA again chided Jacobs for not reining in the costs, then approved a \$3,000 bonus.

The EPA pays contractors for travel costs, expenses and time spent at professional conferences.

In 1989, the EPA hosted more than 80 new contractor representatives at an orientation

session in Dallas. The tab for the two-day conference came to \$210,000, all of which was picked up by the agency.

The EPA pays for nearly any activity remotely connected to program management, including the writing of self-evaluation to justify bonuses. The New Jersey office of Ebasco Services Inc. wrote a 70-page appraisal in 1989 that the EPA characterized as repetitious, but for which it paid the firm \$6,000 to produce.

In another case, the San Francisco branch of Bechtel Environmental Inc. listed a single item under "significant accomplishments" in its activities report for April 1990—"achieved required target of \$60,000" in monthly program management costs. Looking ahead to "major activities" in May, it noted plans to "prepare a new manhour and cost forecast" and "compile data" for an upcoming EPA review of its books.

An EPA analyst cited the entry as reason to "call into question the scope of the [program management] function" and recommended that staffing levels in Bechtel's program management office be reevaluated.

Some EPA officials move beyond criticisms of individual firms to question the cost-effectiveness of a system in which program management expenses have doubled from the 1988 average of \$17 an hour to \$35 an hour and up to \$120 for one firm. As the costs swell, the EPA is scrambling to transfer other work to program management offices and pondering the penalties of breaking the contracts.

#### WE HAVE A MESS

"We're spending too much money for program management," said David J. O'Connor, the EPA's director of procurement and contracts management. "We have a mess on our hands."

In the Superfund branch, however, officials defend program management offices as necessary to administer contracts of such size and technical complexity. They assure reliable record-keeping, issue monthly reports to the EPA on the progress of site work, purchase equipment to investigate pollution, hire cleanup crews, and make sure that federal guidelines for health, safety and work quality are met.

"We envisioned these would be very large contracts, there'd be a lot of time pressures, dollar pressures, socio-political pressure from working with communities," said Paul Nadeau, acting director of the EPA's hazardous site division. "That kind of contract warranted very careful management."

Nadeau said that costs are high because polluters are doing more of the cleanup themselves, rather than risk a court order to pay for the work of an EPA contractor. The agency can recover cleanup costs if it can identify the polluter, and it has stepped up enforcement in recent years.

Because program management payments to EPA-paid contractors are largely fixed, and payments for cleanup work have declined, the administrative units are eating up a bigger portion of total outlays.

But critics point to the very number of Superfund contracts, each requiring a separate administrative unit with identical obligations, is the reason for high costs.

Each of the 45 program management offices has monthly reporting duties to EPA, regardless of workload; each has to maintain equipment; and each had to draft a series of initial management strategies governing, among many other things, safety and health conditions for employees. The Atlanta branch of CH2M Hill Inc., for example, billed the EPA \$28,000 for one plan that largely du-

plicated the plans of each of the other 44 contractors.

"There's too much redundancy," said O'Connor. "We have too much equipment out there, too many contractors traveling to conferences. Instead of having five jobs under one contractor and five under another, it could be done more efficiently at less cost if one contractor handled all 10."

Initially, the EPA used three engineering firms to oversee Superfund. But because of the slow pace of cleanups, officials decided that breaking their dependence on such a small number of contractors and decentralizing the program would breed efficiency. For the work of the 1990's, 45 firms were thought to be needed. They were signed up in 1988 and 1989 to contracts extending over a 10-year period.

The nation was carved into regions and several firms were assigned for each region to share cleanup assignments from the agency to evaluate pollution levels, design cleanups and hire subcontractors to carry out the plans. In the new generation of contracts, with a budget of \$6.5 billion, EPA earmarked about 11 percent of the total for program management.

But because of the unexpected increase in the number of sites cleaned up by the polluters themselves, the EPA overestimated the need for its own contractors. Locked into the 10-year contracts, the agency keeps picking up the management costs, even though the large number of cleanups anticipated never materialized.

Contractor payments were divided into two accounts, one for fieldwork and one for program management. For both services, the EPA agreed to cover costs, guarantee a 2 to 3 percent profit and pay bonuses of up to 7 percent depending on the quality of work.

The Dallas orientation meeting was called in October 1989 to mark the new contractors. The EPA was flush with Superfund money, appropriated by Congress at a higher rate than the agency had spent during the previous three years. The time seemed right for a national conference to discuss new management procedures "in a forum that will allow all parties to gain a concurrent and clear understanding of EPA policies," as the EPA invitation letter put it.

When the 84 "guests" filed their expense accounts, the totals came to more than many of their firms would earn for cleanup work for months. Air fare, meals and rooms—the essentials—came to \$75,000, EPA records show. But the contractors also claimed wages for the two days of meetings and travel time. And they billed for "indirect" corporate costs. For the program manager and deputy manager of Ebasco's New Jersey branch, the total came to \$6,116. This included more than \$4,000 for their 41 hours of participation.

One lesson contractors did not need to be taught at Dallas was how to justify the administrative payments from the EPA before the firms had their first job to administer at a toxic waste site.

URS Consultants of Sacramento, Calif., reported a series of "start-up" activities for the \$260,754 that it received for program management in the four months waiting for site work. The firm drafted plans and manuals, culled documents, attended meetings and got its staff and subcontractors in place, according to reports filed with the EPA.

A URS spokesman declined further comment, he said, on the advice of the EPA. He said the agency believes it "furnished you with complete information concerning the matter."

#### HEAVY INITIAL COSTS

The EPA sank heavy initial costs into program management offices before knowing how busy they would be. For Fluor Daniel, the agency rented office space in Dallas for up to \$6,500 a month, furnished it and provided three vehicles for \$84,000, covered \$50,000 in living expense for two company officials to work there the first year and relocated two other employees for \$13,000.

But there has not been enough work to justify the full-time presence of the program manager and the contracts manager. So they stay at Fluor Daniel headquarters in Irvine, Calif., and the EPA pays to fly them to Dallas for meetings.

The trips have cost \$40,000 in travel and living expenses since 1989, the firm's invoices show, not including labor costs billed for travel time during work hours. Fluor Daniel's long-distance connection also has pushed its phone bills to more than \$25,000 since 1989, the invoices show.

A spokesman for Fluor Daniel said the EPA had insisted on putting the office in Dallas, and decided on the long-distance link as the most "cost-effective" way of operating until the workload increased.

For most contractors, the number of cleanup jobs has increased to a point where they have earned the contractor more than program management payments. In other words, for every dollar spent on management, at least another dollar's worth of planning or oversight is done. But several contractors have never caught up.

In the Boston office of Roy F. Weston, \$2 of every \$3 paid by Superfund has gone to program management. In its first year, the firm got \$311,000 for administrative services while devoting less than the time of one full-time employee to site work.

Weston vice president, Peter B. Lederman said the lopsided payments reflect the lack of EPA cleanup assignments, not wasteful program management practices. He said that even in slack times, at least three employees are needed to maintain files and equipment, respond to EPA inquiries and issue reports and invoices.

"We don't get rich off it," he said of program management.

The EPA has criticized Weston's program management office several times for poor cost control and poor performance, concluding in 1990 that despite its "limited workload," the company "has a hard time managing what they have been assigned."

#### AGENCY PAYS BONUSES

But neither Weston nor any of the 45 contractors has been fired. Instead, EPA officials say, they pay large bonuses to reward efficient program management offices and smaller ones to the less efficient. Each firm used to be evaluated four times a year, now twice a year.

In practice, however, contractors often up with substantial bonuses despite negative reviews. Even contractors cited for "unsatisfactory" performance have received awards.

EPA officials said bonuses are calibrated to reward any level of achievement in program management, not overall performance. For a good job in three of 10 projects, for example, a firm is entitled to 30 percent of its maximum bonus. A firm may exceed its budget but still get a bonus for timely reports.

The Kansas office of Jacobs Engineering was rewarded with nearly \$10,000 over a nine-month period, despite critical evaluations by the EPA. The firm was blamed for an "unacceptable" rate of labor costs—\$154,000—for four of the months.

Roger Williams, senior vice president for Jacobs Engineering, said labor costs initially were high because the firm assembled a large administrative staff for what was expected to be a heavy workload. When the cleanup work failed to materialize, the company re-assigned superfluous staff members, he said.

Labor is the largest single cost of program management—and the hardest to monitor. Each contractor must have a management team in place, even if part time. That means, for one thing, Superfund pays for 45 health and safety officers and 45 equipment supervisors.

For each hour worked, the staff members claim wages plus a negotiated rate of overhead covering such items as insurance, utilities, rent and fringe benefits. Their labor costs also include the general administrative expenses of the home office, including corporate salaries and corporate-wide services.

What the staff does for its wages is vague. Most monthly invoices list costs of "direct labor" without accounting in detail for hours and tasks performed. A "progress report" is supposed to fill in the details. But it, too, can be vague, listing undocumented activities as "maintained general liaison with EPA project officer" and "preparation of input to monthly progress report."

Without clear-out guidelines, contractors bill labor costs for such "efforts" as answering EPA inquiries about their bills or drafting complaints about EPA regulations.

Indeed, an EPA official in Boston balked when asked to provide the name of a contractor official to a reporter, fearing the official would charge the EPA for the time taken by an interview.

The \$6,000 billed by Ebasco to write its 70-page self-evaluation consumed 72 hours of labor, the EPA said. Although the EPA reviewer criticized the report as "bulky," it was written "in good faith" to demonstrate the scope of the firm's work and not designed to run up labor costs, said Ebasco program manager Dev Sachdev.

Bechtel, the San Francisco firm whose program management activities were questioned by an EPA analyst, did more for its \$60,000 payment in April 1990 than meet a spending target, the highlight of its monthly report. It also revised and reviewed health plans for four sites and surveyed its laboratory needs, the report shows.

Company spokesman Mike Kidder said the payment reflects the labor hours needed to "work through very detailed reporting requirements."

But, as a regional EPA official said of Superfund contractors in general, "We really don't know what they're doing. There's really no way to account for their time."

Nor is there precise accounting of routine office costs, such as supplies. O'Connor's staff reviews the billing procedures of firms every two years but, he said, relies on independent auditors for a detailed look. The auditors are years behind on Superfund work.

Fluor Daniel's charges were found in unusually detailed invoices. A company spokesman said the technical journals and books billed to the EPA were needed to handle government contracts, the business cards were printed to identify employees in their Superfund capacity, and the plants were "normal accoutrements" of a business office.

The EPA authorized program management offices to buy equipment because Superfund work is so new and complex. But the sheer number of contractors, all needing basic gear from respirators to radios, led to widespread and wasteful duplication, EPA officials conceded.

## EQUIPMENT EXCEEDS NEED

A total of \$5.5 million worth of scientific instruments, vehicles and protective gear was purchased, too much for the slower-than-expected pace of EPA-sponsored cleanups, records show.

Malcolm Pirnie, for example, has never used \$226,200 worth of its equipment, according to an April utilization report filed with the EPA.

On the unused list are eight devices for analyzing organic vapor, bought in June 1990 for \$69,500. Four other firms in the same New York region were outfitted with a total of 25 similar devices costing \$194,000, EPA records show.

Malcolm Pirnie vice president John Henningson said it bought the equipment on the basis of a company projection of equipment needs sought by the EPA before any cleanup work had been assigned to it and before the need for government contractors declined.

He said the firm expects to use "the majority" of the equipment over the 10-year life of the contract.

Whether the contracts run out their lifetime is uncertain. EPA officials are weighing whether it would be cheaper to break the contracts and absorb penalties expected to run from \$500,000 each to several million dollars each.

Nadeau said a spurt in cleanup activity for the contractors is still possible. "It's still premature to terminate," he said.

But O'Connor believes the EPA should cut its losses. Recalling that the reason for expanding the number of contractors was to inject competitiveness into the system, he recommended that as many as a quarter of the contractors be "jettisoned."

"We have too many contractors, and some are not performing well," he said. "We don't need them all."

## EXHIBIT 3

[From Inside EPA, Sept. 13, 1991]

## INDUSTRY CHARGES INTERNATIONAL PUSH TO CUT LEAD EXPOSURE OVERSTATES RISKS

An EPA-led international effort to reduce lead exposures is moving towards restrictions on low-level lead exposures despite scientific evidence which indicates negligible health risks of such small doses, lead industry sources charge. The effort has also come under fire from environmentalists who charge that the international body is being too cautious in its moves to limit lead exposures.

EPA has taken the lead in drafting a lead risk-reduction strategy for the international Organization for Economic Cooperation & Development, in part, agency sources say, in response to complete bans on toxic substances such as lead suggested by Sweden last year (Inside EPA, April 20, 1990, p2). A draft report prepared by EPA—and expected to be adopted by OECD at a meeting this fall—suggests a variety of international risk reduction strategies for lead, from bans on uses for which there are readily available substitutes to taxes on products for which there are no known substitutes. The draft also suggests encouraging recycling of products containing lead and discouraging new uses of lead where possible.

But an international industry group argues in comments recently filed that the draft is mistaken in its conclusion that "effects associated with low level exposure to lead are (a) harmful and (b) causally related to lead." The industry comments, filed by the International Lead Zinc Research Organization,

point out that the draft report acknowledges that "there remains uncertainty in the global scientific community about the causal relationship between low level lead exposure and lead in children." Yet the report also argues that "there is no apparent threshold for developmental effects in children" and provides rough estimates of health benefits expected from various exposure reduction scenarios. But given that lead is a natural element which "is found in the bodies of even the most remote populations at levels close to the mean levels in the U.S. today," the industry comments argue that "it would seem clear that the OECD document has overstated the health impact of low level lead exposure."

An industry source adds that the primary causes of recognized health problems are high blood lead (PbB) levels resulting from discontinued, highly-dispersive uses of lead, such as leaded gasoline or lead paint. This source argues that the international organizations should be spending their resources on abating lead from past uses and locating and treating children with high PbB levels, instead of developing plans for attacking low exposures of questionable concern.

But an environmentalist says "the science is as definitive as science can be," and there can be no reasonable argument that lead is not hazardous even at the lowest levels. This source argues that the only scientific controversy over lead health effects is caused by industry's claims that lead is safe. The flaw in the OECD document, this source says, is that "it is not nearly strong enough." Focusing only on past uses of lead would be a mistake because current uses may prove equally problematic later, this source argues.

An EPA source says the agency "sympathizes more with the environmentalists" on the debate, but that the agency will probably never go as far as the environmentalists would like. Industry "mounted quite an aggressive campaign to discredit the 'report,'" this source says, but EPA is not recommending that countries "go ripping solder out of radios." This source says the report represents a moderate position that unnecessary uses of lead, such as inks and lead solders, should be phased out, while alternatives should be encouraged for uses that have high benefits. This source expects that the report will be largely supported by the full OECD meeting scheduled for November.

[From the Los Angeles Times, Aug. 20, 1991]

## SEEKING THE TRUTH IN TOXICS

Whatever else the chemical compound dioxin may do, it is going to haunt efforts by regulators to protect industrial societies from their byproducts for a long time.

Fused in a meeting of heat and chlorine, dioxin has for years been at the head of the list of dangerously toxic chemicals that are loose in the U.S. environment.

It got there because in the 1960s and 1970s guinea pigs died from exposure to it in a matter of weeks. It also got to the top of the danger list because techniques for determining its toxicity to humans were less sophisticated then.

Some scientists now are backing away from previous assessments. The U.N.'s World Health Organization is saying that American standards are 1,600 times tougher than necessary. The Environmental Protection Agency plans to spend a year reviewing the evidence on dioxin.

Some environmentalists are fighting back, claiming that all of the second-guessing is designed to save manufacturers the cost of cleaning up after spills and around their plants.

William K. Reilly, who heads EPA, recognizes that he is hitting a hornet's nest with a stick and that he will be damned if he does look back and damned if he doesn't.

In a gem of understatement, Reilly says, "There is not much precedence . . . for pulling back from a judgment of toxicity," but that new data suggests a lower risk.

Juries have awarded millions of dollars in damages to people who made the case that dioxin ruined their health. Dioxin is blamed for causing cancer among Vietnam veterans, and birth defects in their children. It was a key ingredient of the defoliant Agent Orange, which was sprayed on forests in Southeast Asia.

One scientist who is having second thoughts is Dr. Vernon N. Houk of the federal Centers for Disease Control. He urged all 2,240 residents of Times Beach, Mo., evacuated in 1982, because its roads were contaminated with dioxin.

He says he had no choice then because his lab was producing chilling reports on dioxin. Now the data says differently. It makes no case for a wholesale review of toxics, but on the matter of dioxin Reilly has no choice, either.

[From the Washington Times, Apr. 10, 1991]

## BOMBS AWAY ON POLYSTYRENE?

(By Warren Brookes)

Bombing is something the Bush administration does well. While the Pentagon was blowing the Iraqi economy back into the Stone Age, the Environmental Protection Agency has been unloading regulatory munitions on the U.S. economy from apples to autos, from construction to chemicals, from Detroit to Phoenix.

This week the EPA will "dumb bomb" the polystyrene industry. EPA Public Affairs Director Lewis Crampton confirmed the agency has put polystyrene in the "C" category as a "possible carcinogen," based not on human epidemiology but rodent tests. Even though there is no evidence of any human danger, and no published research, everything from meat trays in supermarkets to coffee cups at the deli will be stigmatized as "carcinogenic."

The campaign against polystyrene foam culminating in the decision by McDonald's last fall to replace foam hamburger containers with some kind of coated paper.

That decision ran so counter to solid scientific analyses done for McDonald's and others that show actual environmental impacts favor foam over coated paper, there is a persistent rumor McDonald's was warned by the Environmental Defense Fund (EDF) that the EPA was soon to make a carcinogenic finding on the product.

Just as the Natural Resources Defense Council worked closely with EPA in destroying the apple industry with Alar, EPA has apparently cooperated with the EDF to slay the polystyrene monster.

What is gratuitously obscene about this is that it comes on the heels of growing scientific skepticism about the validity of EPA risk models, caused in part by the dioxin case. For years dioxin, the principal ingredient in Agent Orange, has been regarded by EPA as the most dangerous carcinogen extant, many hundreds of times as potent as the next chemical risk.

Based on that "modeled" assumption, Congress and the Bush administration recently awarded what could be as much as \$200 million to \$1 billion in payments to Vietnam veterans who contract soft-tissue sarcoma. That decision is spurring the legal profession to seek out veterans' cases against the man-

ufacturers. The number of such cases is expected to reach 250,000.

But the modeled assumptions of dioxin risk in these cases are predicated entirely on feeding rodents massive doses (up to 30,000 times human exposure) of dioxin-saturated foods. From these high-dose results, the EPA uses a straight-line "no threshold" (linear multi-stage) basis for extrapolating human danger. In other words, no matter how small the dose, it's dangerous.

But that "no threshold" assumption—which underlies all EPA chemical risk assessments—has been blown away, as one epidemiology study after another has failed to confirm dioxin's alleged toxicity. As Science Magazine reported on Feb. 8, "Even among highly exposed groups, like the people who lived near the chemical plant that exploded in Seveso, Italy, in 1976, the only undisputed effect until recently has been the skin disease chloracne."

Ironically, last January, the first study ever to show even a weak link between dioxin and human cancer published in the New England Journal of Medicine, in fact destroyed EPA's risk model.

That study carried out by the National Institute for Occupational Safety and Health (NIOSH) under the leadership of Marilyn Fingerhut was the most comprehensive look at human dioxin exposure ever done, involving 5,172 workers and at 12 plants in the United States that produced the dioxin-containing pesticides and defoliants.

The average exposure of these workers was 80 times to 500 times U.S. average background levels, and up to 200 times the exposure levels of even the most exposed Vietnam era veterans, the Ranch Hands Air Force personnel who did the Agent Orange spraying.

If the EPA model were correct, these workers should have shown at least 5 to 10 times the expected level of cancers for non-exposed persons. Instead, the researchers found, "Mortality from several cancers previously associated with [dioxin/Agent Orange], stomach, liver, and nasal cancers, Hodgkin's disease, and non-Hodgkin's lymphoma, was not significantly elevated in this cohort. Mortality from soft-tissue sarcoma was increased, but not significantly." (Emphasis ours.)

As Science reported on Feb. 8, scientists meeting at Cold Spring Harbor Laboratory in January agreed that "before dioxin can cause any of its myriad [alleged] toxic effects, be they cancer or birth defects, it must first bind to and activate a receptor. That implies there is a 'safe' dose or practical 'threshold' below which no toxic effects occur."

"And that in turn means that the model EPA uses is wrong. It topples the linear multistage model," exclaims Michael Gallo of the Robert Wood Johnson Medical School in New Jersey.

The whole foolish notion there is no safe level of anything proven to be "toxic" in animals (at thousands of times human exposure or more) has repeatedly been blown away as excessive. While EPA regulates dioxin exposure at 0.006 picograms per kilogram of body weight per day, Canada and Europe have been correctly regulating at 1 to 10 picograms, or 170 to 1,700 times higher.

Given this, one would have thought the agency would be cautious about destroying yet another industry on the basis of an animal test and at least 50 unproven, and unscientific assumptions. After all, they've had to back down on asbestos, dioxin, EDBs and, most recently, fluoride.

But that ignores the fact that today's EPA is under the direction of an ideologue with

strong ties to a movement whose deepest conviction is that economic growth is bad for the environment and technology is the enemy of the planet. Bombs away.

[From the Washington Times Nov. 28, 1990]

#### RADON RISK IN OUR WATER?

(By Warren Brookes)

Even as the scientific community is seriously questioning the Environmental Protection Agency's exaggeration of the risk of residential radon, the EPA was (and may still be) planning an even more preposterous \$17 billion to \$34 billion boondoggle against state and local water services and their taxpayer/customers.

Until it was temporarily embarrassed by a scathing report from its Scientific Advisory Board (SAB), which surfaced publicly on Nov. 2, the agency was planning to rule that drinking water should not exceed 300 picocuries/liter (pCi/L).

While that may seem high when compared with the present EPA "danger level" for homes (4 pCi/L), the risk factors for water are altogether different because so little water is ingested.

The equivalent risk ratio is 10,000 to 1 air to water, so 300 pCi/L in water is the equivalent to only 0.3 pCi/L in air. The average background level of radon in U.S. homes is about 1.2 pCi/L or 40 times the proposed regulation for water.

To put it another way, the 4 pCi/L "action" standard used by EPA for homes is 133 times as high as the proposed water rule. Yet, as the Oct. 22 editorial in Science magazine pointed out, even that residential standard is now under attack by radiation/cancer researchers who have yet to find any evidence of raised lung cancer death rates even in areas where average residential levels are well over 8 pCi/L. Canada's "action" level is 20 pCi/L because it saw no evidence of public health risk even at that level.

Even if we were to regulate water equivalent to U.S. residential background levels, EPA would have to set a water regulation of 12,000 pCi/L. (See Table.) But the number of wells over 12,000 pCi/L is so tiny such a regulation would be meaningless.

In California, for example, the state Department of Health Services surveyed 252 major ground-water wells operated by some 41 separate water agencies around the state and found only six (2 percent) with levels above 1,500 pCi/L, and none above 4,000.

By contrast, under a 300-500 pCi/L standard, nearly 70 percent of its wells would have to be "remediated." The Association of California Water Agencies estimates that as many as 14,000 ground-water wells would be affected. Although radon levels could easily be reduced by charcoal filtration, EPA opposes that method because the filters then would constitute a radioactive waste to be disposed.

The EPA-recommended remediation is construction of aeration towers around every ground-water well feeding more than 10 homes, at an estimated cost of \$100,000 to \$200,000 per tower, or a cost range for the state of California alone of \$1.4 billion to \$2.8 billion.

And that is for a state that already has the lowest tested indoor radon levels for the nation. For the nation as a whole, this suggests a cost of \$17 billion to \$34 billion.

The good news is the SAB report ripped apart the EPA's support for this madness, saying "the overall quality" of this science "was not good." It found that the support documents contained "irrelevant information and incorrect definitions of fundamen-

tal technical terms," and "were inconsistent in their approach to risk assessment. . . ." The bad news is that the EPA desperately needs to protect the radon risk estimate because theoretically it is by far the most "dangerous" substance it regulates.

The agency's own newsletter "Inside EPA" reported this major embarrassment saying, "the subcommittee's [SAB's] report in the words of one subcommittee member will be 'damning,' saying EPA 'did a lousy job.'" The job was so bad the entire project had to be transferred out of the EPA's water division to its Air and Radionuclides Division, and the EPA's Jan. 21 deadline for complying with a court order had to be postponed.

Once again the EPA has embarrassed itself on a major regulatory issue with bad science. No wonder EPA Administrator William Reilly is reportedly growing nervous that the radon program may become just as big a fiasco as the asbestos removal program.

And just as costly. For example, an analysis by the New England Radon Committee (NERC) estimates that in its six-state region even a 500 pCi/L standard would require mitigation of 678,000 wells, at a total cost for the region of \$1.4 billion. That translates into \$24 billion for the nation as a whole.

In a March 1989 report to the EPA, the NERC said a standard even as low as 500 pCi/L would make no sense from a health benefit standard "since living area radon concentrations are approximately 1.2 to 1.4 pCi/L and the 500 pCi/L would only add 0.05 pCi/L to this." It said "the financial burdens on affected state programs would be disproportionate to demonstrate health benefits" and "would result in rate increases to consumers which cannot be justified by commensurate health benefits."

A 1988 letter to the EPA by David Brown, chief of toxic hazards for the Connecticut Department of Health Services, calculated "the radon content of a water supply that would have to be exceeded in order for a health effect to be demonstrable" and arrived at a figure of 5,000 pCi/L. That's more than 10 times the level being proposed by the EPA.

The EPA overkill on radon clearly is an act of desperation by an agency now confronted with a very real "hazard" to its own health safety regulation: If as Science now suggests, residential radon is increasingly shown to be a modest risk, the EPA's entire health regulation program is endangered.

That is why the EPA is trying to force the U.S. public to ratify its ridiculous risk models at a cost of tens of billions. It's a growing scandal.

#### EPA IN YOUR BEDROOM?

(By Warren Brookes)

Liberal Democrats are always complaining that conservatives want to invade our bedrooms when it comes to our reproductive behavior. Now it turns out liberals want the Environmental Protection Agency to invade and inspect our houses for something called "indoor pollution."

No kidding. On April 24, the Senate Environment and Public Works Committee marked up and sent forward S 657, the Indoor Air Quality Act. Its initial \$49 million price tag is a tiny down payment on what could be hundreds of billions of dollars in costs to homeowners. The inventor of this nanomanism is Senate Majority Leader George Mitchell who wants to establish an Office of Indoor Air Quality and a Council on Indoor Air Quality.

What will these new bureaucratic meddlers be doing? They will be conducting "a coordi-

nated research program on indoor air contamination, to institute a process for directing and focusing authorities of existing federal statutes to reduce indoor contamination and to demonstrate and develop state and local responses to indoor air contamination problems."

In other words, the same environmental police force the EPA will be assembling from the Clear Air Bill will begin to cast its turf-building eyes toward every household in America.

It's only a matter of time before homeowners who want to sell their houses will have to get an EPA-approved "air-quality test" of their home, and spend thousands to "mitigate" any "problems" before they can sell.

That's already happening on radon. Recently an employee of a very large computer company told us of a horror show in which a relocater service forced him to spend nearly \$2,000 trying unsuccessfully to get a 4.3 pCi/l basement reading down below 4. Yet the living space level was very likely to have been 1 or less, and presented absolutely no health danger. Even though EPA can't "regulate" radon, it is now working with real-estate groups and Congress to make such costly foolishness mandatory.

Mr. Mitchell's 66-page Indoor Air Quality bill calls on the EPA to issue "Indoor Air Contaminant Health Advisories" and develop "National Indoor Air Quality Response Plans" and to work with states to develop similar plans.

The premise for all of this is that "contaminants in the air indoors pose a serious threat to human health," and "federal and state governments have not responded adequately to this problem."

In its 1989 "Unfinished Business" document, the EPA ranked "Indoor Air Pollutants Other Than Radon" fourth in their "Consensus ranking of environmental problems," right behind "pesticide residues on foods." (See Table.)

EPA says its "quantitative assessment estimates 3,500-6,500 cancers annually," from indoor air pollution of which the majority (3,700) comes from secondary tobacco smoke. The rest supposedly come from a whole range of household pollutants from friable asbestos to hair spray and furniture polish.

Since EPA used essentially the same risk-assessment procedures to generate these indoor cancer estimates as to predict 6,000 annual cancer cases due to pesticide residues, Americans can relax about their health if not about the bureaucratic threat from the EPA to make mincemeat of their real-estate values.

Food and Drug Administration's top toxicologist Dr. Robert Scheuplein told the American Association for the Advancement of Science last winter that contrary to the EPA's alarmism, pesticide residues and chemical additives account for less than .01 percent of all cancer deaths. When we asked him if this meant "less than 50" he said, "Oh, much less than 50." When we pressed him for a number he said: "I won't give you one because I don't honestly believe anyone has ever died from consuming pesticide residues on food."

Most serious risk assessors feel the same way about indoor air pollution other than cigarette smoke. Even there, the incidental tobacco smoke estimates are wildly exaggerated on the presumption that you can extrapolate cancer estimates in a straight line from the actual high-dose experience of smokers to the very low exposure of non-smokers.

One of the nation's top risk assessors, Michael Gough, director of the Center for Risk Management at Resources For Future, estimates that the regulatable risk of indoor air pollution is 1,240 cancer deaths, using EPA's risk-assessment formulae, or 124, using the methods similar to those used by the FDA, which he considers more realistic. While most risk assessors like Mr. Gough are glad to have a growing focus on the very real danger of tobacco use, they are skeptical about a "national program" to deal with a problem as simple as opening your window more often.

Indeed, the national push for energy conservation also federally driven has produced the more recent problems of "sick buildings" and has increased indoor air contamination in some new construction. As the EPA states it: "The Department of Energy has estimated that air-exchange rates in new construction are, on average, 50 percent lower than the national average."

EPA should know. To this date it has what one leading indoor air consultant in the Washington area told us the "sickest buildings" in the city. Instead of passing this zinnine, Congress should tell EPA to air out its own house, first.

(From the Washington Times, Apr. 25, 1990)  
50,000 PREMATURE DEATHS?

(By Warren Brookes)

Advocacy groups routinely exaggerate their cause—and occasionally drift into what amounts to lying. In this respect, the environmental movement runs even more true to form, turning lying into an art form. So much so, we may well be in greater danger from the greens' "statotoxic" (poisonous statistics) than the alleged risks we are being urged to mitigate.

What is troubling is when the government's top environment officer engages in this process. On April 1, two days before the Senate approved the Clean Air Act, Environmental Protection Agency Administrator William Reilly claimed air pollution was causing "50,000 premature deaths a year." This statement stunned the Washington risk assessment community, including many within the EPA itself, where there is absolutely no scientific analysis to support it. Mr. Reilly's spokesman, Lewis Crampton, said his boss was using "a study by the American Lung Association." But that study has no epidemiological foundation and never was peer reviewed or professionally published.

In 1989, the EPA's own risk assessment team of 50 scientists and statisticians developed a report called "Unfinished Business" which concluded that the entire cancer risk associated with "hazardous toxic air pollutants" was from 1,027 to 2,054, and even those numbers are based on risk models that deliberately overstate risk by at least 10 to as much as 100 times.

This means the likely real risk of air pollution is between 100 and 200 additional cancer deaths a year, nationwide, and a major share of those cannot even be remediated by EPA regulation. What's more, EPA knows this. The March 1988 EPA "Regulatory Impact Analysis" on sulphur dioxides (SO<sub>2</sub>) the precursors of acid rain, reviewed all studies on SO<sub>2</sub> and found "none of the available laboratory data support the notion that steady long-term exposure to acid sulphates at levels [characteristic of the United States] produce any measurable health effects." In its cost-benefit analysis, it assigned no dollar value to SO<sub>2</sub> controls' ability to reduce mortality risk even at strict interpretation

of present SO<sub>2</sub> air-quality standards. Similar EPA analyses exist on surface ozone.

This may come as a shock to a general public that has been frightened to death by exaggerated reports of the dangers of environmental pollution. The other day at a Washington luncheon, a well-educated career woman and mother was holding forth on the health dangers of pesticides and dirty air. We asked her, "What percentage of cancers to you think are caused by the environment?" She paused for a moment, and then said, "Well I guess I would say 60 or 70 percent, but that's probably too low." "Would you believe less than 2 percent?" we asked. "Of course not," she said, "that's ridiculous." Not so. In 1981, the world's two leading epidemiologists, Oxford's Sir Richard Doll and Richard Peto, concluded after exhaustive analysis comparing animal test data with actual health statistical trends that indeed pollution was the cause of only 2 percent of all cancers—while 75 percent were caused by human lifestyle, diet, smoking, sexual and reproductive behavior.

That study was directed by Michael Gough, one of the nation's top risk assessors who was then at the Congressional Office of Technology Assessment. Mr. Gough, now director of the Center for Risk Management at Resources for the Future, points out that despite heavy criticism, "the Doll/Peto estimates have come to be regarded as conventional wisdom."

In fact, EPA has largely accepted the Doll/Peto parameters. In its 1989 "Unfinished Business" analysis, EPA shows a range of 6,214 to 11,054 for all "pollution"-caused cancers, or between 1.2 and 2.5 percent of all cancer risks.

Furthermore, those total risk numbers do not reflect the actual potential benefits of EPA regulation, since so many of them cannot be reached by even the most stringent controls.

In a paper for Risk Analysis last January, Mr. Gough looked at the question "How Much Cancer Can EPA Regulate Away?" and discovered it wasn't very much: "The total number of cancer cases that might be prevented by EPA regulatory efforts . . . range from between 1,200 and 1,600 to between 6,200 and 6,600, depending on how risk from animal data are estimated. Those estimates represent between 0.25 percent and 1.3 percent of the annual cancer mortality of 485,000 deaths." On air pollution, Mr. Gough's numbers range from 231 to 1,028. (See table.)

The range represents Mr. Gough's application of the much more realistic risk assessment method used by the Food and Drug Administration and the Centers for Disease Control compared with the deliberately extreme exaggeration of the EPA methods.

This is not the judgment of an industry shill, but an environmental expert of absolutely impeccable credentials who is frankly surprised by the way in which officials like Mr. Reilly use their office to spread unsubstantiated data.

What is more troubling to risk assessors is that such exaggeration is leading the nation into pouring more and more resources into smaller and smaller benefits. Even as we are turning down \$300,000 bone marrow transplants and \$500,000 dialysis machines (which actually save real people) we are about to spend another \$46 billion on a theoretical risk of less than 200 to 1,000 lives.

(From the Washington Times, Apr. 11, 1990)

HOLE IN SENATE HEADS RIVALS OZONE GAP

(By Warren Brookes)

Two weeks ago, we got an urgent call from a top adviser to President Bush concerning

something they had only just discovered in the Clean Air Act compromise: "Did you know the bill calls for the total banning of methylchloroform (MCF) by the year 2000?" he asked.

We asked back, "Where have you been? That passed the Senate back on Jan. 31, '95 to 2. Only Jesse Helms and Steve Symms voted against it."

"Do they realize what this would do to the entire U.S. electronic industry?" he asked. No. But it would send what's left of it to Japan, which has refused to consider such a ban.

The conversation was yet another reminder that, in the current environmental debate on Capitol Hill, the collective hole in White House and legislative heads may be larger and more permanent than the one that shows up every fall in the ozone layer over the Antarctic—and more dangerous to our economic and ecologic health.

The Senate rationale for the total MCF ban was that "scientists say these substances are destroying the stratospheric ozone layer which shields the Earth from the sun's harmful ultraviolet radiation."

Yet MCFs were developed precisely because they are one-tenth as destructive of ozone as chlorofluorocarbons (CFCs) and have a much shorter life in the stratosphere. MCFs have been a godsend to the electronics industry for which CFCs had been central to the production of computer chips and circuit boards. A total MCF ban would leave this industry and its defense products naked.

When an electronics representative asked a Southern conservative Republican senator why he voted for this ban he said: "My mother died of melanoma (skin cancer) and I have had problems with the same condition."

There are just three little problems with the senator's empathy: First, the levels of ultra violet-B radiation (UVB) over the United States have actually fallen by about 10 percent since we started measuring them in 1974. Second, the rise in melanoma in this country started in 1935, 25 years before the use of CFCs. Third, the only ozone thinning has been over the South Pole.

In short, neither CFCs nor MCFs have anything to do with melanoma. Indeed, there is very little hard scientific evidence that CFCs have been the significant cause of a thinning ozone layer or even that that alleged thinning is permanent.

The only theoretically predictive evidence comes from the discovery of a large "ozone hole" over the Antarctic in 1985 by British scientists led by Robert Watson. This "new discovery" was immediately seized upon as evidence supporting the 1974 theory of two California scientists, F. Sherwood Rowland and Mario Molina, that CFCs could "eat up" as much as 10 percent of the world's ozone layer.

Since 1985, scientists have measured the size of this ozone hole to see how much destruction was going on while environmentalists successfully pushed the nations of the world to an effective CFC ban by 2000, to keep the hole from "swallowing up our entire ozone layer," as one EPA "scientist" told *The New York Times*.

Yet in the midst of this political drive, growing scientific evidence suggests the hole is not a new phenomenon and may well have been reappearing periodically throughout Earth's history.

It now turns out that the first discovery of significant ozone thinning over the South Pole was not in 1985 but in 1956, before CFCs were even in general use. It was identified by the world's leading ozone layer researcher

Gordon Dobson who at the time said the "ozone hole" appeared to be a natural anomaly.

Indeed no. The ozone layer itself is not something static but dynamically created through the interaction of the sun's ultraviolet rays and the Earth's oxygen. So long as there is sunlight and oxygen, there will always be an ozone layer.

For precisely that reason, however, the layer thins out over the poles during winter seasons when there is very little sunlight, and very extreme cold. While the size of this "hole" seems to have grown substantially in recent years there is still a major controversy over CFCs relative causative role.

Fred Singer, a University of Virginia physical scientist, with some of the longest continuous experience of investigating the ozone layer told us: "The scientific evidence of the relationship between the ozone layer and CFCs is still very incomplete. The remarkable scientific investigation now going on suggests the more we know the less sure we are about making policy."

NASA found this out when with much fanfare in March 1988 they announced that the ozone layer had decreased by a full 3 percent since 1970 and warned the 1988 hole would be even larger than the 1987 episode. But NASA provided no peer-reviewed analysis to back up either its claim or its prediction.

Just six months later we learned the 1988 hole plunged in size by 60 percent largely because of an unexpected heat wave over the South Pole. This confirmed Mr. Singer's simultaneous, peer-reviewed article in *Eos*, the house journal of the American Geophysical Union, which said the hole itself could be "an ephemeral phenomenon" which could disappear rapidly with changes in the upper atmosphere temperatures and the solar cycle itself.

Later this month, Mr. Singer has been invited to present a scholarly paper to NASA's International Conference on the Climate Impact of Solar Variability in which he will raise the question "Is the reported decline of stratospheric ozone a solar-cycle effect?"

There is a sound basis for his question. NASA's contention of a 3 percent decline in stratospheric ozone since 1970 is not only much larger than can be explained by current CFC levels or theory, but depends entirely on the selection of the time frame. And 1970 just happens to have been a solar-cycle maximum-activity year, while 1986 was a solar-cycle minimum.

This, Mr. Singer will suggest, means "the reported decline could at least be partly due to a secular variation of ultra-violet radiation, matching observed secular trends in solar activity."

He points out that the variability of ozone over recent solar cycles is on the order of 5 percent, far more than the decline supposedly "measured" by NASA in their "unpublished paper." Mr. Singer in short is about to call NASA's bluff, even as the Senate has played its blind man, driving premature stakes through the heart of the nation's already beleaguered electronics industry.

[From the Washington Times, Jan. 17, 1990]

BILLIONS INTO THE AIR-TOXICS BREEZE

(By Warren Brookes)

A top career executive in the Environmental Protection Agency was asked how he would spend his budget to achieve the maximum reduction in premature cancer deaths.

"I would give it all to the American Cancer Society," he is reported to have said without hesitation.

The story which has been circulated widely might well be apocryphal, but it has a serious point, well-illustrated by the Air Toxics section (Title III) of the Clean Air Amendments (S 1630) now before the U.S. Senate.

Industry groups now estimate the likely cost of this section alone to the U.S. economy is between \$20 billion and \$30 billion. That's 10 to 15 times the \$1.8 billion we now spend on the National Cancer Institute for a disease killing 470,000 per year.

Yet, the EPA estimates that even using the most-extreme-risk models only 1,700-2,700 cancer cases are caused by air toxics. Since 900-1,600 of those are blamed on motor-vehicle emissions (covered by other controls) the total range for all industrial air toxics is only 700 to 1,100.

And, because the bill only targets those plants emitting 10 tons or more of any one pollutant, its maximum potential remediation is said to be between 350 and 500, even assuming the Senate bill's insistence on cutting effective risk to 1 in 1 million.

That represents a cost per cancer avoided of between \$40 million and \$86 million each. If these numbers shock you, read the careful analysis of the air-toxics madness in the winter issue of *Regulation Magazine*, out next week from Cato Institute.

In it, two engineers, Frederick Rueter and Wilbur Steger, admittedly consultants to industry, nevertheless use the EPA's own data to show the costs and benefits of dealing with just two of the key air toxics, coke-oven emissions, and benzene.

The EPA itself estimates air toxics from coke ovens are responsible for 6.9 cancer cases a year nationwide, and benzene emissions for about 3.9 cases. (See Table.)

Last year the EPA issued a proposed NESHAP (National Emissions Standards for Hazardous Air Pollutants) rule on coke emissions. It said that using "best-available technology" (BAT) coke emissions could be reduced enough to cut cancer incidence from 6.9 per day to 4.0, a net saving of 2.9 cases, at a cost of \$19.3 million per year, (an implied capital cost of \$200 million). That's \$6.8 million per case.

On benzene, EPA's NESHAP ruling last September called for cutting the total cancers presumed from that emission source from 3.9 to .5 per year, a saving of 3.4 cancers per year, at a cost of \$200 million a year (an implied capital cost of \$2 billion.)

Messrs. Steger and Rueter say, "This amounts to more than \$58 million per life prolonged. It should not be difficult to find other applications for \$200 million per year that would achieve much larger reductions in cancer risk \* \* \*."

That's especially true since "the EPA's cancer risk estimates are extremely over-estimates of the actual risks" for air toxics. Why? Virtually all those are extrapolated from the general population from epidemiological studies of workers actually employed on the emitting source sites, or from high-dosage rodent tests.

But as Messrs. Rueter and Steger point out, that assumes a straight-line risk relationship between very high exposure and very low exposure. Now only is there no such connection with low-exposure workers (whose cancer rates are uniformly below EPA risk-model expectations) but none exists in the general population.

For example, they looked at the largest concentration of industrial coke ovens in the nation, Allegheny County, Pa. They calculated the age-adjusted cancer rates for the 30 geographic areas in that county for the period from 1969-1971, well before substantial

emissions reductions took place, in order to get the maximum possible health effect.

Even so, they found no pattern of raised rates. Indeed around two of the three coke plants, cancer rates were from 20 to 40 percent lower than the county as a whole. They concluded "the risk levels are so low they cannot even be detected in epidemiological studies of population exposures to outdoor concentrations of coke-oven emissions that were (1969-1971) substantially higher than those prevalent currently."

The EPA admits its technique of extrapolating risk from high to low exposure has "no solid scientific basis." Worse, the EPA risk model assumes the average individual is exposed to the maximum possible ambient level of the pollutant for 24 hours a day through his entire 70-year life span. Since most of our life is spent inside our homes, and since we move on average every six years, such an assumption is a ludicrous exaggeration.

For coke, the two engineers conclude: "EPA assumptions result in the overestimate of those cancer risks by at least a multiple of 100." So, the likely national risk for all coke emissions currently is 0.07 cancers per year. The likely reduction from investing \$200 million in capital is 0.03 cancers per year, or about 1 every 30 years or so.

For investing \$20 billion to \$30 billion on all air toxics, the likely reduction in cancers is not 350 to 500 a year, but something on the order of 3 to 5, or \$4 billion to \$9 billion per life prolonged.

As the EPA executive suggested, there must be myriad better ways to spend our money on health improvement than this.

#### Exhibit 4 ACID RAIN

KROFT. Acid rain and ecological catastrophe: two phrases that in many people's minds have become almost synonymous. Acid rain—poisons falling out of the sky, killing our forests and ravaging the countryside, and all of it coming from the sulfur-polluting smokestacks of the Midwest. But the most expensive and exhaustive scientific study even conducted on an environmental problem, which took 10 years, hundreds of millions of dollars and thousands of scientists to conduct, is about to publish its final report, which takes the conventional wisdom about acid rain and shoots it full of holes.

JAMES MAHONEY, Acid Rain Expert. I think we can be very simple about it. Acid rain is definitely a problem that needs improvement. It is not an ecological catastrophe at the levels we see here in the United States.

KROFT. [voice-over] Dr. James Mahoney is director of the National Acid Precipitation Assessment Program—NAPAP for short. What he and his scientists found out while conducting the government study is really quite different from what most people have come to believe about acid rain.

Mr. MAHONEY. I think our science clearly shows that the effects are less severe by quite a bit than the most extreme stories we sometimes hear.

KROFT. [voice-over] And what are some of those stories? Well, here's an example. Earlier this year, Newsday reported that wispy clouds creeping silently through the Northeast's forests are slowly killing off trees.

Mr. MAHONEY. I think that's in the sense of poetic characterization.

KROFT. Overblown?

Mr. MAHONEY. In a word.

KROFT. [voice-over] In fact, the NAPAP study says acid rain isn't killing trees—pe-

riod. We quote: "There is no evidence of a general or unusual decline of forests in the United States and Canada due to acid rain." The study did find that acid rain may be harmful to one kind of tree, the red spruce, at very high elevations, but that natural stresses like forest and insects are more significant factors in the loss of those trees.

Mr. MAHONEY. There is a broad view that acid rain kills trees on a broad basis. The scientific community, I believe even the environmentally active scientific community, now understands that this is not what we see.

KROFT. You certainly wouldn't get that impression reading news stories about acid rain.

Mr. MAHONEY. Our job is to carry out these scientific studies and to do the best job we can of being scientific fact-finders. News stories are much more likely to take an extreme position. It's much easier to write a story about a problem and to characterize it as being caused by acid rain.

KROFT. [voice-over] And what about the effect of acid rain on lakes? Well, for the past 10 years it's been widely reported that lakes in the Northeast are dying by the thousands and a report by the National Academy of Sciences in 1981 predicted that the number of acid-dead lakes would nearly double by the year 1990.

[interviewing] Has that happened?

Mr. MAHONEY. No, definitely not.

KROFT. What's the increase been?

Mr. MAHONEY. Our best estimate is that the level of—the number of acid lakes is probably just about the same now as it was a decade ago, and that's a fundamental difference compared to the commentary that the National Academy of Sciences made 10 years ago.

KROFT. [voice-over] The study found that acid rain does contribute to the acidity of lakes and streams, and it did find a large number of lakes to be acidic, particularly in New York's Adirondack Mountains, more than 200 out of several thousand. But most of those affected lakes are small in size, representing about 2 percent of the surface water in the Adirondacks, and many of those lakes were acidic before the industrial revolution, before there was acid rain. Acid rain, the study says, is one of many factors which causes acidity in lakes. The other reasons: acidic soil and wild vegetation.

Mr. MAHONEY. Interesting, the percentage of acidic lakes and streams is highest in the nation in Florida, by quite a bit. We know that the causation in many of these is natural. It has nothing to do with acid rain.

KROFT. [voice-over] The study did confirm some concerns about acid rain. The sulfur emissions that cause it affect visibility. Acid rain itself does damage buildings and statues. But the problem is getting better, not worse. Sulfur emissions are down more than 25 percent since the Clean Air Act of 1970 went into effect, and those emissions will continue to drop as more and more old coal-burning factories are phased out and replaced.

Soil scientist Eg Krug [sp?] was one of many NAPAP scientists who looked into the effects acid rain on lakes and he says it's not a crisis.

EG KRUG, Acid Rain Expert. We believe that the effects of acid rain are there, but they're subtle. They're difficult to find. We can see other environmental insults very easily but acid rain—it speaks that it's not a particularly large problem.

KROFT. The *New York Times* reported recently that over the last 10 years, while

NAPAP has been doing its study, the number of lakes turned into aquatic death-traps multiplied across New York, New England and the South, stretches of forest along the Appalachian spine from Georgia to Maine, once lush and teeming with wildlife, were fast becoming ragged landscapes of dead and dying trees. True?

Mr. KRUG. No. No. I don't know where they got that from. It appears to be another assertion, unsubstantiated, because we've spend hundreds of millions of dollars surveying the environment to see if that was occurring and we do not see that occurring.

KROFT. [voice-over] To be exact, they spend \$570 million of government money and they are more than 3,000 scientists from places like Yale, Pennsylvania, Dartmouth and the National Laboratories at Oak Ridge and Argon [sp?].

Senator DANIEL PATRICK MOYNIHAN (D-NY). Good science—world-class science.

KROFT. [voice-over] Senator Daniel Patrick Moynihan wrote the bill which started this 10-year study because he was concerned about the lakes and the streams in his home state of New York.

Senator MOYNIHAN. We didn't know but what we were going to lose all our lakes and half our forests and God knows what else. It's good news to find that you don't have a devastating problem. It's also good news to know what kind of problem you have.

KROFT. [voice-over] It's not, however, been received as good news by most environmental groups. David Hawkins [sp?], a lobbyist for the National Resources Defense Council, says there's not much new in the NAPAP study. Hawkins says it confirms that acid rain is a problem and that the scientific community knew that 10 years ago.

DAVID HAWKINS, Environmental Lobbyist. The environmental community has spent almost no effort attempting to even monitor the progress of this program because we felt that this program was essentially a misdirection of resources and that our resources were better spent in trying to deal with the facts that we already have in hand about the damages due to acid rain. We have been working on trying to get legislation in Washington to clean up the problem, actually attack the pollution problem.

KROFT. So you've been working the political angle of it?

Mr. HAWKINS. I've been working the legislative angle of it, yes, trying to get a new law to control the pollution.

KROFT. Wait a minute. You seem to be saying it doesn't matter what the scientists say. What matters is passing the legislation.

Mr. HAWKINS. No, what we're saying is that you don't need additional years of documenting facts that we already have enough information about to know that the risks are so great that we should control pollution now rather than wait for additional years of research.

KROFT. [VOICE-OVER] Hawkins says that even if acid rain isn't a crisis, he considers it serious enough to require action and the legislation he's talking about is the tough acid rain provision of the new Clean Air Act, which his group, other top environmental lobbyists, the President and the Congress pushed through at the end of this last session. It will cost U.S. industries \$4 billion to \$7 billion a year to cut emissions that cause acid rain in half.

[on camera] What about the NAPAP study? It wasn't even a factor. The study received a one-hour hearing before a Senate subcommittee and was never even formally presented to the House of Representatives.

Senator JOHN GLENN (D-OH). We spend over \$500 million on the most definitive study of acid precipitation that's ever been done in the history of the world anywhere, and then we don't want to listen to what they say.

KROFT. [VOICE-OVER] Senator John Glenn is concerned that the new legislation to cut down smokestack emissions will have a devastating effect on his home state of Ohio, not to mention Pennsylvania, West Virginia, Kentucky and parts of Indiana where high-sulfur coal, long blamed for causing acid rain, is not only the main source of energy but a major source of employment. Factories will be forced to install expensive new pollution control equipment. Utility rates are expected to jump by as much as 30 percent and 100,000 people could end up losing their jobs, many of them coal miners.

ROBERT MURRAY [sp?], Owner, Ohio Valley Coal Company. We're out of business. We're out of business. Our jobs are gone.

KROFT. [VOICE-OVER] Robert Murray owns the Ohio Valley Coal Company. He says more than 400 jobs are at stake at his company alone and he can't understand why no one is listening to the scientists.

Mr. MURRAY. The networks, the electronic media, the written media, have placed acid rain up to the point that our teachers, our students are totally confused about this issue, yet when the NAPAP study came out, you found it on page 34 of *The New York Times*. You didn't find it on CNN, CBS, ABC at all!

KROFT. You're very upset about this.

Mr. MURRAY. I am damned mad because this political issue is a human issue to me!

KROFT. [voice-over] About the only person who has written about the NAPAP study is this man, syndicated columnist Warren Brooks [sp?], who's made it a crusade.

WARREN BROOKS, Syndicated Columnist. It's sort of like trying to kill a gnat with a blunderbuss. I mean, it's just—we have this tendency to overdo it in this country. We just throw money at problems and I think we all agree that we don't have that kind of money to throw any more.

KROFT. [voice-over] Brooks has read the reports, studied the science and his conclusions have become the gospel for a growing number of people convinced that America is suffering from environmental hypochondria and that this acid rain legislation is just the most recent example.

Mr. BROOKS. If it's a crisis, we should act. We should—you know, damn the torpedoes, full speed ahead. What this study shows clearly is it's not a crisis. We should not damn the torpedoes. We should do it sensibly so we don't throw people out of work unnecessarily.

KROFT. Why has nobody listened to it?

Mr. BROOKS. Well, the point is that once their minds are made up—that is, "We're going to do something on acid rain. We're going to do something"—the politics is, "We're going to do something—"

KROFT. That's happened. That's what's going on here.

Mr. BROOKS. That's what's going on.

KROFT. [voice-over] Brooks says the political agenda was set by candidate George Bush when he pledged to become the "environmental president" and to do something about acid rain. Brooks claims that Congress, looking at public opinion polls, decided voting again clean air was like voting against motherhood.

[interviewing] So you're saying this has a lot more to do with politics than it does with science.

Mr. BROOKS. Absolutely. Absolutely.

KROFT. There are votes in it.

Mr. BROOKS. Yeah. Very simple.

Mr. HAWKINS. We live in a representative democracy and if the public believes that environmental protection is important and they are prepared to spend more of our wealth in protecting the environment, then it's responsive to do that.

KROFT. And you think the American public is well-informed on this issue.

Mr. HAWKINS. I think the American public can look out their windows and see what we're doing to the environment. They can read about it in papers. They can read about it in books.

Mr. KROFT. [voice-over] So what are we going to get for those billions spent to control acid rain, not to mention the lost jobs? Well, according to Warren Brooks, the only certain benefit will be the recovery of about 75 small lakes out of several thousand in New York's Adirondack Mountains.

Mr. BROOKS. Now, that's at \$5 billion a year for, whatever, 50 years. That comes out to about \$4 billion a lake.

Mr. KROFT. [voice-over] The Bush administration and environmental groups say there's much more to it than that, that what we're getting is cleaner air, better visibility, less damage to buildings and an insurance policy in case there are any unknown effects on human health which simply haven't been seen yet.

Mr. HAWKINS. We have very crude scientific tools. Even though we spent lots of money on it, the idea that a team of scientists can take a few years, wander around the forests and come up with "the answer"—well, the Greeks had a word for it. It's hubris. It's pride. And they're saying that because we spent a few years backpacking around these forests with a lot of instruments and we can't find anything, we should assume there is nothing.

Mr. KRUG. Actually, we do know a lot. We know that the acid rain problem is so small that it's hard to see, so it's the difference between an optimist and a pessimist, the classic example of whether the glass is full or empty. In this case, there's a couple of drops in the bottom of the glass and people are saying it's full and the rest of us are looking down and saying, "It looks mostly empty."

[From the Detroit News, Oct. 24, 1989]

#### THE ACID RAIN BOONDOGGLE

We invite your attention to excerpts of some congressional testimony reprinted on the opposite page. We stumbled across the testimony in the course of reporting on President George Bush's proposal to reduce sulfur dioxide emissions from coal-burning power plants by 10 million tons a year, a 45-percent reduction on top of the 31-percent reduction already accomplished since 1973.

The testimony makes for some entertaining reading, conducted as it was by the witty Democrat, Sen. Daniel Patrick Moynihan of New York, and the acerbic Republican, Sen. John Chafee of Rhode Island. But it should also make disturbing reading for American electricity consumers, who would have to fund the Bush proposal to the tune of \$4-6 billion a year, or as much as \$120 billion over the next two decades. Most of the cost would be borne by electricity consumers in the Midwest and Southeast, with costs ranging between \$98 and \$180 a year in Michigan, but up to \$900 per home in Ohio.

The bottom line on the expert testimony: This vast expenditure will achieve almost nothing. It might—might—help clean up about 75 of America's tens of thousands of lakes, but at a cost of billions—billions—per lake.

President Bush made this decision even though his economic advisers warned him there was no solid scientific or economic cost-benefit basis for such a reduction. The target of 10 million tons of sulfur dioxide was plucked out of thin air as a compromise between an industry proposal for a six million ton reduction and the environmental extremists' position of 14 million tons.

President Bush was advised to wait for the final 1990 report of the National Acid Precipitation Assessment Project (NAPAP), created by Congress in 1980 to study this problem. It will be the most authoritative, extensive study of acid rain ever conducted. Despite an interim report last year indicating that acid rain might not be the serious problem it is cracked up to be. Mr. Bush's Environmental Protection Agency Administrator William Reilly successfully argued in favor of immediate action.

On Oct. 5, members of the Senate Subcommittee on Environmental Protection found out why Mr. Reilly was so eager to rush ahead. NAPAP Director James Mahoney admitted that the Bush program would do very little, even in 50 years, to change lake acidity in the Northeast. Even if nothing were done, he testified, there "would be no significant change" in the number of acidic lakes.

The senators also learned that NAPAP could find no evidence that acid rain was measurably hurting either crops or forests, and that it was only one of a number of factors affecting lake acidity. Or as Sen. Moynihan concluded: "It suggests to me that the sky is not falling."

Indeed it isn't. Sen. Moynihan was particularly shocked to learn that in 20 years only 25 lakes would actually be "de-acidified" by spending \$80-120 billion, or \$4-6 billion a year on the Bush program. That's \$5 billion per lake.

The fact is NAPAP's study completely vindicates the Reagan administration's refusal to spend vast amounts of the consumers' money on sulfur dioxide reduction programs and completely destroys the scientific or economic premise for the Bush program.

The scandal is not only that the administration went ahead despite this, but that so far not a single House committee working on that program has invited NAPAP or Dr. Mahoney to present their findings.

House Energy and Commerce Committee Chairman John Dingell, D-Mich., has expressed concern about the impact of a big acid rain cleanup on Michigan and other Midwestern states. He might want to ask his subcommittee chairman on Energy and Power, Phil Sharp, how he could hold four days of hearings on acid rain in the last three weeks and never include NAPAP, by now the country's foremost expert on acid rain.

Does Rep. Sharp know that Tennesseans face up to \$464 more per year in electric bills under the Bush program? Or is his mind made up in advance of the facts?

The exchanges in the Senate subcommittee are so devastating that we decided to print extended excerpts, so the consumers can judge firsthand whether the new regulations are worth it. We think you will be as shocked and outraged at this boondoggle as we are. This country is rich, but it's not rich enough to throw away money like that.

[From Human Events, Nov. 4, 1989]

#### BUSH'S ACID RAIN PLAN: "EXPENSIVELY FUTILE"

(By Warren T. Brookes)

At a hearing on October 5, members of the Senate Subcommittee on Environmental

Protection discovered that the Bush Administration's acid rain program is expensively futile.

A preview of the 1990 final report by the National Acid Precipitation Assessment Project shows the Bush proposal to spend up to \$4 billion to \$6 billion a year to cut sulphur dioxide emissions will deacidify only 26 lakes in the Northeast after 20 years—and only 75 lakes after 50 years.

This means a 20-year cumulative cost of almost \$5 billion per deacidified lake and after 50 years about \$4 billion per lake. (By contrast, the 20-year cost of liming the average lake is less than \$50,000.)

In his report to the Senate, James Mahoney, NAPAP director, admitted that even this scandalously small projection of benefits from the proposed Clean Air Program was iffy because: "There are significant uncertainties about the role that watershed mineral processes, organic acids and nitrates (in the soils) may play in the acidification and recovery process."

This is "science-ese" for admitting that, despite protestations, NAPAP knows there is very little correlation between acid-rain levels and acid lakes.

For example, Mahoney acknowledged that the highest acid lake concentration in any U.S. state is in Florida. Yet Florida gets hardly any acid-rain deposition, and, as Mahoney noted, its acid lakes were the result of natural causes.

Also contrary to spurious "new [but unreleased] research" by the Environmental Protection Agency, published geological core studies show that more than 80 percent of the acidic Northeast lakes were acidic in pre-industrial times.

Mahoney had to tell the Senate that "determining the precise percentage of acidic waters due wholly or in part to acidic deposition carries with it scientific and statistical uncertainties." This statement directly counteracted the propaganda with which EPA Director William Reilly had practically insisted Mahoney lead off his statement.

Mahoney granted that "the effects of constant, increased and decreased acid-rain deposition are not always statistically significant." Indeed they are not, either here or abroad.

In fact, the EPA's own data show that land use and soil composition are at least three times as statistically significant "causes" of acidic lakes as acid rain.

This is why NAPAP was forced to project that even if we do nothing, the number of acidic lakes in the Northeast will actually decline by one in the next 20 years, to a total of 161 and will only rise to 186 by the end of the next 50 years. Mahoney admitted, "What that really means, statistically, is no change at all."

Worse, even if we do as the Bush proposal suggests and cut SO<sub>2</sub> emissions by 10 million tons a year, raising electric bills in the Midwest by as much as \$900 a year in Ohio, \$630 in Indiana and Pennsylvania, \$520 in Missouri, and more than \$400 a year in Tennessee, West Virginia and Illinois, little will change.

When Democratic Sen. Daniel Patrick Moynihan of New York, a co-sponsor of the Bush Clean Air Program, heard this, he began to raise some carefully soft spoken hell: "No matter what legislation we pass, about 10 per cent of the lakes are going to be acidic beyond the lifetime of anybody in this room? We have to ask ourselves, is that the best way to spend \$4 billion a year?"

It is especially questionable when all of the lakes in North America could definitely be

deacidified immediately by boat-liming, at a cost of less than \$400,000 a year total!

But what about the other effects of acid rain on forests and crops? NAPAP Director Mahoney admitted: "Research has established that there is no measurable and consistent adverse crop-yield response from the direct effects of acidic rain at ambient levels in North America."

On the contrary, "an evaluation of the nutritional enrichment of some agricultural soils through the input of sulfur and nitrogen from acidic deposition indicates indirect benefits associated with decreased fertilizer requirements."

But what about trees? NAPAP said that "other than for red spruce, extensive surveys of forest condition have indicated no evidence of widespread forest decline in North America related to acidic deposition."

Even on red spruce, NAPAP said the effects were limited to about 6 per cent of the forests, all at high elevations (about 2,600 feet), and added, "Several natural stresses are related to these declines (droughts, freezes, diseases, etc); and acid rain may intensify the effects of the natural stresses." (Emphasis added.)

In short, the NAPAP analysis shows now what it did in 1987: Acid rain is not a serious environmental problem (Moynihan concluded, "the sky is not falling"), and the cost of SO<sub>2</sub> reduction are ludicrously out of line with the benefits.

It's a scandal waiting to be legislated.

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

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I appreciate the remarks by my distinguished colleague from North Carolina. I will reply only briefly to them.

It has taken almost 2½ years to work out all the complexities of this particular piece of legislation, starting with my visit to the President, in the White House, and in the Oval Office, and working out the different problems brought up by his staff there, and working out the problems different Members had with it here. I think it is a piece of legislation that is long overdue.

As far as more bureaucrats, as my distinguished colleague, Senator HELMS, indicated, I am very hopeful that perhaps this can even reduce some of the bureaucratic problems we've had. I know that that may be a futile effort in Washington, DC.

But we do have within this legislation a Commission on Improving Environmental Protection, which has the job of looking at all the different places where environmental law is invoked, and at all the different agencies and departments of Government, and trying to see if there is a lot of overlap, and streamlining them and putting them together to make them more efficient.

As far as the additional cost issue, it is estimated it will be about \$6 million a year for 5 years to have this commission and to set up the Bureau of Environmental Statistics. Both of those things would certainly in the outyears save far more than that \$6 million a

year for 5 years. I believe this will actually streamline Government operations and not make them more complex.

Mr. President, I think elevation of EPA to Cabinet-level status is long overdue, both at home and also in the international arena. We are one of the only major industrialized nations that does not have someone of Cabinet or ministerial rank to represent us at these meetings, and yet we are the biggest player in environmental matters at these world meetings. Just from that standpoint alone, it seems to me in keeping with our national leadership that we would be well advised to elevate EPA to Cabinet status.

As far as the vote goes—a comment was made about that—I would be happy to have it either way, because I think there is broad support for this. I look forward to getting the Department established so we can streamline some of these things and make environmental law even more effective than it has been in the past.

Mr. President, let me take this opportunity to put the present bill before us in proper perspective. Because this is not a bill just about our environment today, about the cleanliness of the air we breathe and the water we drink, although it will ultimately affect that. It is also, and perhaps more importantly, a statement about the importance we attach to our stewardship of the fragile ecosystems of this country and this Earth. It requires that our Government be organized in such a way that protection of the environment does not take a back seat to our military posture or our international standing as a trading nation in determining and improving the well being of Americans. National security consists of more than bombers and missiles and secret intelligence information. No American can or should feel secure if his air and water are being poisoned. We owe an obligation to future generations to leave them as clean and safe a world as possible. And to discharge that obligation, attention will have to be continually paid to environmental protection at the highest levels of Government.

Let me just briefly outline what this bill will do and why I think it is such an important step.

First, the elevation of EPA to Cabinet-level status will have significant, constructive implications for our environmental policies at home and abroad. By moving EPA up to the Cabinet level we will greatly enhance its stature and visibility, positively affecting its ability to execute national environmental policy, from cleaning up the toxic mess at Superfund sites and protecting our Nation's delicate and varied ecosystems, to finding new ways to defuse the radiological time bomb at DOE facilities and making sure the air we breathe and water we drink are pure

and safe. We also will be strengthening its hand abroad, where every other major industrialized nation faces our negotiators and officials with ministerial-level representatives. As pollution, global warming, ozone depletion and global deforestation grow more severe, we will be sending a signal about the seriousness with which we approach our basic obligation to lead the world in tackling these daunting problems.

Second, our Bureau of Environmental Statistics will greatly contribute to the collection, compilation, and analysis of environmental statistics and data. One of the most important steps in solving any problem is knowing as precisely as possible, the nature of the problem. A centralized Bureau, whose function is to receive and compile data from many sources and publish environmental analyses and trends regularly, will be an invaluable adjunct to present modes of environmental data collection, analysis, and publication.

Third, our Commission on Improving Environmental Protection will take a much-needed look at environmental statutes and regulations to ensure that we are avoiding, wherever possible, overlap and duplication. It will look at issues of enforcement and other management problems in carrying out our environmental laws. Its recommendations will serve as an extremely helpful guide to the Congress and Executive.

Finally, our title on international environmental issues demonstrates our resolve in the increasingly important arena of global environmental change. If the executive branch carries out the will of Congress expressed in this bill and calls for a conference in the United States on energy efficiency and renewables and a new office on greenhouse gas emissions under the United Nations, we will be showing the world effective examples of our leadership and concern.

Mr. President, today the United States and the world stand at a new and exciting, but perilous threshold—the threats to our environment are growing worse in many quarters, but we are also beginning to make progress cleaning up our planet. The coming decades will test our mettle, not just in making the world in which we live a cleaner, safer place, but also in living up to our obligations as stewards of the environment for future generations. It is my earnest hope that a Department of the Environment will be a lasting contribution to this effort. I urge every Senator to support final passage of S. 533.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes and twenty-five seconds.

Mr. GLENN. I yield to the Senator from Delaware.

Mr. ROTH. I thank the distinguished chairman. I am happy to join him in asking that this legislation be over-

whelmingly enacted into law. It is long overdue. I think it is critically important. We are one of the very, very few, if not the only, major industrial nation that does not give full Cabinet status to the environmental agency. I think this is particularly important because, if we are going to make any progress in the area of cleaning up the environment, it must be done by all countries, and it is important that, in our negotiations with these other countries, that our representative and our chief negotiator, insofar as environmental matters are concerned, have Cabinet status so they speak with a loud, clear voice.

But there is a second reason, Mr. President, that I think it is critically important, and that is from the competitive point of view. I think it is important that all industry, wherever it is located, be bound by the same strict rules of environment so that no one can compete because they are producing a product under dirty circumstances.

This is good legislation. We have worked with the administration, I have worked with the chairman, and I think it deserves to be enacted into law.

I thank the chairman for yielding me the time.

Mr. PELL. Mr. President, I want to congratulate the Senator from Ohio for his tireless effort to see that the Environmental Protection Agency is made a Cabinet-level department. It is in no small measure due to the hard work of the chairman of the Governmental Affairs Committee that the Senate is about to take this historic vote. I believe the action that the Senate is about to take will help ensure that environmental issues receive the consideration they deserve in the formulation of our Nation's policies. I intend to support this bill and I urge my colleagues to do likewise.

I would like to take this opportunity, however, to discuss two points regarding section 103(f) of the bill, relating to the international responsibilities of the Secretary. First, the bill encourages the Secretary "to assist the Secretary of State to carry out his primary responsibilities for coordinating, negotiating, implementing and participating in international agreements, including participation in international organizations relevant to environmental protection."

As I understand this section and the intent of the Senator from Ohio, this provision is not intended to diminish the role of the Secretary of State in these responsibilities, but to encourage input from the Department of the Environment as the Secretary of State considers these matters.

Mr. GLENN. The understanding of the Senator from Rhode Island is correct.

Mr. PELL. I thank the Senator. My second point relates to subsection

103(f)(1)(B)(ii). This section authorizes and encourages the Secretary to "provide technical and other assistance to foreign countries and international bodies to improve the quality of the environment." I think this is an entirely worthwhile and laudatory provision. I would like to clarify, however, that it is the intent of the legislation that this assistance be provided in consultation with the Department of State. I believe that intent is implicit in the legislation and the committee's report, but it is not spelled out in the legislative language.

Mr. GLENN. That is indeed the intent of this section. The assistance authorized in section 103(f)(1)(B)(ii) would be provided in consultation with the Department of State.

Mr. PELL. I thank my colleague and congratulate him once again for his outstanding work on this bill.

Mr. MOYNIHAN. Mr. President, I rise today to express profound concern over an aspect of S. 533, the Department of the Environment Act. I want to assure my colleagues that I rise not out of anger, but out of sorrow. I support making the EPA a Cabinet-level department, but I am at a loss as to understand what has happened to the Bureau of Environmental Statistics for which we had such high hopes.

I am not a stranger to this topic. Three decades ago, I became an Assistant Secretary of Labor in the administration of President John F. Kennedy. Among my responsibilities was the Bureau of Labor Statistics, an organization that had been collecting data since 1884. The dedicated public servants in the Bureau worked diligently and meticulously over a half century to learn to measure unemployment. Indeed, it took that long just to learn that there was such a thing as unemployment. Their success changed the way we think about the workings of an industrial—and now postindustrial—society. It became possible, for the first time, to diagnose early symptoms of the health of the economy, and to monitor its recovery in response to palliative action.

The sponsors of S. 533 wisely recognize a parallel need in environmental matters. The bill requires the new Bureau of Environmental Statistics to report each year to the President on the condition of the environment, on pollutants and their effects. The Director of the Bureau is to issue guidelines to insure that the underlying data are relevant and reliable, to coordinate data collection in the Department with information gathering activities of other Federal agencies, and to identify missing information. So far, so good.

But what will be done if data are unavailable, unreliable, or irrelevant? Can the Bureau require unreliable data to be improved? Can it require unavailable data to be made available? Can it require anyone in the Department of

the Environment, other departments, or the States to collect data needed to produce meaningful environmental statistics? The answer, Mr. President, is "no."

Now, there may be a rational explanation offered for such a situation. A Bureau with power to require other offices, departments, States, or localities to collect data has the power to impose costs on these entities. Overzealous requirements could prove onerous, but no more onerous than the costs imposed on the country by environmental programs that are not working. The data are needed, nonetheless.

Surely then, the Bureau must be empowered to collect its own data. But, Mr. President, it isn't. It is not authorized to establish observation or monitoring programs. What we have is a Bureau that must take what it can get.

Let me hypothesize, for the sake of argument, that the limiting factor in the generation of environmental statistics is inadequate funds to gather the data together and to analyze and interpret them. If true, is funding for the Bureau adequate to accomplish this task?

Absolutely not. S. 533 authorizes \$2.8 million for the Bureau in fiscal year 1992, and \$5.4 million in fiscal year 1993. Granted, we are talking here about a new effort, but the proposed 1992 budget for the Bureau of Labor Statistics was \$308.9 million. For the National Agricultural Statistical Service, it was \$86.9 million. For the National Center for Education Statistics, \$80.1 million. Surely environmental statistics must warrant more than a \$2.9-million effort, less than three one-thousandths of a percent of the \$115 billion that EPA estimates the Nation spends each year on environmental protection.

But I suggest, Mr. President, that the situation is even worse. The problem transcends data management and reporting. The underlying data are woefully inadequate. A few examples.

A committee of the National Academy of Sciences recently concluded that the national program that monitors exposure of people to toxic compounds such as DDT and PCB's was seriously flawed, and that the data were largely irrelevant. Another National Academy panel concluded that current programs to monitor the condition of offshore resources threatened by pollution could not quantify either the current status or past trends in the condition of these resources. The General Accounting Office has reported that national programs to monitor the quality of air and water are inadequate. In hearings on Resource Conservation and Recovery Act, we have learned that few States collect accurate data on the amount of wastes generated, transported, and disposed of.

Mr. Reilly, the Administrator of EPA, summed the problem up succinctly in 1989: "First the good news:

\*\*\* I think this Agency does an exemplary job of protecting the Nation's public health and the quality of the environment. Now the bad news: I can't prove it."

In fact, Mr. Reilly faced this problem as Director of the Conservation Foundation in 1988 when he produced its state of the environment report. Of the 147 figures in the report dealing with environmental statistics, only 14 contain data on pollutant concentrations and their effects on humans and the environment. Most are concerned with economics, demographics, and the number of permits issued. Mr. Reilly also recognized this shortcoming: "by listing our activities, we do not necessarily prove that we're doing a good job."

Even more telling, is the work of the President's Council on Environmental Quality. Since 1969 it has been charged with preparing an annual report on virtually the same information required of the Bureau under S. 533. These annual environmental quality reports, while well-written and informative, have suffered chronically from a lack of relevant environmental data. Recent initiatives, such as EPA's Environmental Monitoring and Assessment Program, and continuation of the National Acid Precipitation Assessment Program, may help to fill these gaps, but there is no guarantee that such programs will continue.

Mr. President, in my experience, a statistical agency that lacks the authority to collect new data simply must fail. Before the end of this session of Congress, I intend to introduce legislation to insure that the Bureau of Environmental Statistics will have the data it will need to succeed.

The American historian Henry Brooks Adams said, "Practical politics consists in ignoring facts." Mr. President, if this is so, then we need something other than practical politics to deal with the complex problems involving industrial man's relationship with the natural environment. We are entering an era in which we cannot afford to spend vast sums blindly. Failure to know the facts will lead us to waste money on unhelpful or unnecessary programs, or to fail to act when human health and welfare are truly threatened. Most likely, we will continue to do both, but will fail to know the difference.

#### INTERSTATE WASTE TRANSPORTATION

Mr. McCONNELL. Mr. President, I fully supported the efforts of the Senator from Indiana to introduce an amendment to the Department of the Environment Act dealing with interstate waste transportation. While I am pleased that a compromise has been struck to seek a comprehensive long-term solution before next summer, Kentucky cannot wait much longer.

Kentucky is in the middle of a solid waste emergency. Out-of-State trash is

the major obstacle preventing Kentucky from getting a handle on this crisis.

The amendment of the Senator from Indiana, and legislation that I have proposed, seek to give communities control over their own solid waste problems by letting them say no to out-of-State trash. While I sympathize with the solid waste problems facing New Jersey and New York, why should their solution be our problem?

Last year, 68 Senators supported allowing States to restrict interstate garbage transportation. These 68 votes demonstrate the political will of the Senate to take on this issue and to pass comprehensive legislation expeditiously.

It is imperative that we pass long-term legislation dealing with interstate waste transportation, and I urge my colleagues to join me in this effort.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 533, the Department of Environment Act of 1991. S. 533 would make the Environmental Protection Agency a Cabinet-level department. This is one of many steps we should take to address the critical environmental problems we face.

Mr. President, one of our greatest challenges over the next few years is in restoring the integrity of our environment.

Our environment is under assault. In my State of New Jersey alone, 30 million pounds of toxic chemicals go into our air each year, 62 million pounds into our waters and sewers, and 3 million pounds onto the land. Nationally, 5.7 billion pounds of toxics are released into our environment every year.

In the United States, each of us produces nearly 4 pounds of garbage every day, 180 million tons a year. That's more than we know what to do with.

As Americans, we contribute more, per person, to the depletion of the ozone layer than any other people on Earth.

Our climatic system has been weakened by the cutting down of forests, by burning fossil fuels, and by releases of other greenhouse gases. The climate seems to be changing faster than at any other time in human history, and the globe appears to be getting warmer.

And environmental degradation in other countries has reached a crisis point. The pollution in Bitterfeld, East Germany is so severe that its children fall ill soon after birth and its people live 5 to 8 years less than the average East German. The burning and clearing of tropical forests in Southeast Asia, Africa, and Brazil is resulting in a loss of biological diversity. Experts predict that 15 percent of all plant species will be eliminated by the year 2000. And devastating floods in Bangladesh have been exacerbated by deforestation in the Himalayas.

The planet will not take it anymore—not without a fight—not without protest.

This challenge goes right to the future health of our planet. To our natural resources. The building blocks of our ecology and environment. The basic essentials of nature, that provide our sustenance. It goes right to our ability to survive as a modern society.

Few challenges we face are more important than the protection of our environment. Today, all of us must be environmentalists. Today, the Government needs to give the environment the status it deserves.

Making EPA a Cabinet-level department is one step we can take to give environmental issues this priority. That is why Senator DAVID DURENBERGER and I introduced S. 276 on the first day of the 101st Congress. S. 533 would accomplish the same two important functions:

First, it would symbolize a new commitment to protect the environment. It would demonstrate to the people in the United States and to other nations that the United States puts a high priority on preserving the environment and enhancing the public health and welfare.

After all, as Jay Hair of the National Wildlife Federation recently wrote, "The Nation's quality of life is determined more directly by EPA than by any other Cabinet-level department."

Second, and more importantly, it will enhance the ability of EPA to do its job.

It will give EPA increased clout in:  
Obtaining necessary funding;  
Working with other departments whose actions affect the environment;  
Making national policy decisions; and

Dealing with other nations who send Cabinet-level ministers to meetings to discuss environmental issues.

I believe that we can meet the environmental challenges we face. A Department of the Environment will help provide this leadership and initiative.

But making EPA a Cabinet-level department in and of itself is not enough. We need more funding, tougher enforcement and stronger leadership. Unfortunately, that has been lacking in this administration despite campaign commitments to the contrary. We have seen efforts first to weaken clean air legislation and then undercut the act through the regulatory process. We have seen a failure to address the growing evidence of global warming. We have seen cuts in funding for clean water. We have seen an energy policy which ignores energy conservation and promotes oil drilling in the Arctic National Wildlife Refuge and our offshore waters. We have programs which leave children exposed to unsafe levels of lead in drinking water. We face a lack of leadership in reducing the level of waste we generate and increase the recycling of our waste.

So, while I rise to support this legislation, I also want to state very clearly—this bill is no substitute for the broader commitment to the environment that has been absent in the administration. Mr. President, I hope passage of this legislation will spur the administration to dedicate itself to the protection of the environment for ourselves and future generations.

I commend Senator GLENN for moving S. 533 and I urge my colleagues to support this legislation.

Mr. SANFORD. Mr. President, I rise today to express my sincere support for S. 533, the Department of the Environment Act of 1991, a bill to elevate the Environmental Protection Agency to a Cabinet department.

I am pleased to see this measure come to the floor for consideration today because it reaffirms, once again, our Nation's deeply engrained concern and appreciation for our natural resources and our environment and the need to protect those resources for future generations.

A practical concern for the environment has been demonstrated most clearly in recent times by the very establishment of the Environmental Protection Agency on the first day of the year in 1970. Over 20 years have passed, and the EPA has truly come of age. Now, it is time to take the next step toward confirming that progress within the institutional framework of our Government.

In 20 years the EPA's mission and responsibilities have greatly expanded in both the protection of our health and the preservation of the quality of our natural environment. These advances can be seen both domestically and increasingly as a valued representative in the international arena. Domestically we have seen the Agency's efforts extend:

To new and broader interrelationships with other Federal agencies raising the level of awareness of environmental concerns across the spectrum of governmental activities;

To the development of many new technologies for both the detection and control of pollution;

To the increase in legal enforcement mechanisms to make the laws passed serve their purposes in meaningful ways;

To the investigation and development of new approaches for the control and prevention of pollution; and

To the tireless pursuit of ways to protect and improve the health and quality of life for the American people.

Internationally, we have seen the Agency increasingly called upon to provide its expertise and experience to many issues including global warming, stratospheric ozone depletion, and acid rain. These activities serve to confirm that pollution knows no international boundaries and that the environmental mission is to protect the very planet itself.

The importance of EPA's leadership and its contribution is beyond measure but its status does not reflect the magnitude of the responsibilities and challenges it faces. S. 533 will accomplish that task by placing it among its bretheren as a full-fledged department in the executive branch of the Government. I urge my colleagues to support S. 533.

Mr. KOHL. Mr. President, as an original cosponsor of S. 533, I am extremely pleased that the Senate is finally prepared to move forward on this important measure, which elevates the Environmental Protection Agency to Cabinet-level status.

This long overdue measure will help ensure that environmental issues receive the attention they deserve within the Federal Government. As environmental problems increasingly become the greatest threat to the health and safety of the American public, it is imperative that we place environmental protection among our Nation's top priorities. This bill finally gives our sacred environment a seat at the Cabinet table.

Above all, I want to congratulate the chairman of the Senate Governmental Affairs Committee, Senator GLENN, for his diligent efforts on behalf of S. 533. Senator GLENN has worked for over 2 years to achieve Cabinet-level status for the EPA, and his goal is about to become reality.

One of the landmarks of this legislation is the establishment of a Bureau of Environmental Statistics, to provide necessary and unbiased information to policymakers about the status of our environment, and important environmental trends.

In that context, I would like to thank Senator GLENN for accepting my amendment to protect the confidentiality of those providing information for statistical purposes to the Bureau of Environmental Statistics.

As chairman of the Subcommittee on Government Information and Regulation, which oversees the Federal Government's statistical activities, I have been developing a set of recommendations as to how statistical agencies should be structured. One key ingredient for any statistical agency is confidentiality.

If a statistical agency is to fulfill its mandate, it must be able to collect accurate and honest information from individuals and corporations. In order to do so, an agency must be able to guarantee that certain types of information will be kept confidential.

Most information collected by the Government is collected on a voluntary basis. We rely on the cooperation of the citizens of this country to provide information which the Government needs to do its job. If the Government cannot, in turn, protect the confidentiality of that information, the system of voluntary cooperation falls apart.

The amendment which I offered to S. 533, with the support of Senator GLENN, puts in place the necessary protections of privacy without compromising the public's right to free and open access to Government information.

Again, I congratulate Senator GLENN for all that is accomplished with S. 533, and I urge all of my colleagues to support this important legislation.

Mr. ADAMS. Mr. President, as one of the original cosponsors of S. 533, the Department of the Environment Act of 1991, I wish to reiterate my support for this bill and to commend my distinguished colleague from Ohio, Senator GLENN, and others for their outstanding leadership on this bill.

Today more than ever before in the history of this country we need a strong and effective advocate for protecting and restoring our ecosystems. We need an agency that commands respect and exercises leadership in dealing with international environmental problems. Enhancing the stature of the Environmental Protection Agency should help us achieve this goal.

In my home State of Washington, we face serious challenges to preserve magnificent resources along our coastline and in Puget Sound, our once vast ancient forests, the views of our majestic national parks, ecosystems of our rangelands, and the very health of our mighty river systems. The quality of the air we breathe, the land we farm and build our homes upon, and the water we drink all depend upon sound science and management.

This bill accomplishes several important objectives. It will assure that the principal agency charged with protecting vital natural resources is afforded full Cabinet-level status. Having the full standing of a department, the legislation will assure environmental interests have appropriate access to the President. And the bill will also assure that environment and natural resource conservation and management interests are represented at the table in Cabinet meetings rather than being consulted after decisions have been reached.

Today we know we must think and act within the context of planetary biosphere. We must deal with difficult issues of global warming, ozone depletion in our atmosphere, and storage and disposal of hazardous wastes on a global scale. I support the provisions of this bill that will help us regain our international leadership role by encouraging exchange of information on energy and monitoring of atmospheric conditions. We must have better systems to manage the complex and voluminous information on physical and biological systems on the planet. This bill would mandate a system to do just that.

We must take strong actions to address major global environmental challenges of today, and much more impor-

tantly, provide a sound biospheric legacy for our children and their children. This bill is one step in a series of actions needed for us to meet the challenges. I urge my colleagues to support passage of this bill.

Mr. KERRY. Mr. President, I rise today in support of final passage of S. 533, The Department of the Environment Act of 1991. The fragile environment of our Nation, and that of the world, merits the highest level of attention that we can provide. When compared to the importance of other issues addressed by Cabinet level departments the environment is equally if not more important.

The protection of our environment is vital to the well-being of all Americans. Few if any aspects of our existence have a greater direct impact on the quality of our lives than does the environment in which we live. Smog, polluted beaches, and hazardous waste are all disruptions to day-to-day life, as well as serious threats to the health of all Americans. Together, we must work toward the resolution of our Nation's environmental woes. I believe that elevating the Environmental Protection Agency to Cabinet-level status will aid these efforts.

The EPA is the Federal agency responsible for initiating and enforcing laws designed to protect our environment. In addition, the EPA plays a critical role in monitoring the Federal Government's compliance with environmental laws. It seems clear that an agency with these responsibilities must be accorded the status and respect it needs to perform its duties to the fullest. If environmental protection is to become one of our Nation's highest priorities, as I believe it must, then the Environmental Protection Agency must be given additionally respect and authority.

This bill will also establish a Bureau of Environmental Statistics to analyze and publish a comprehensive collection of environmental data from around the country. This will allow us, as a nation, to monitor the environmental quality of our surroundings. This capability is fundamental to any concerted effort to protect the environment.

Mr. President, the new Department of Environmental Protection will have a much-needed permanent role in presidential policymaking decisions. As a department, the EPA will increase the profile of environmentally conscious efforts within the Government, and will have a strengthened image in the eyes of other governmental agencies. I believe promotion of the EPA to Cabinet-level status will greatly enhance its ability to perform the critical duties for which it was designed and founded. For these reasons, I strongly support the Department of the Environment Act of 1991.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-two seconds.

Mr. GLENN. I thank my distinguished colleague from Delaware for all his effort on behalf of this legislation and for his work in committee and also here on the floor. It has been a long, long time, as I said, some 2½ years, since we started this effort. I am not complaining about that. I think something as important as a Cabinet elevation should be considered very, very carefully.

Mr. President, I yield back my time. The PRESIDING OFFICER. All time has expired.

Mr. HELMS. Mr. President, I want to be certain that I am identified as being in opposition to this measure at this point. I so state that for the RECORD.

The PRESIDING OFFICER. The bill having been read the third time on yesterday, the question is, Shall the bill pass?

So the bill (S. 533), as amended, was passed, as follows:

S. 533

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Department of the Environment Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title and table of contents.
- TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL**
- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Establishment of the Department of the Environment.
- Sec. 104. Assistant Secretaries.
- Sec. 105. Deputy Assistant Secretaries.
- Sec. 106. Office of the General Counsel.
- Sec. 107. Office of the Inspector General.
- Sec. 108. Bureau of Environmental Statistics.
- Sec. 109. Grant and contract authority for certain activities.
- Sec. 110. Study of data needs.
- Sec. 111. Miscellaneous employment restrictions.
- Sec. 112. Administrative provisions.
- Sec. 113. Inherently governmental functions.
- Sec. 114. References.
- Sec. 115. Savings provisions.
- Sec. 116. Conforming amendments.
- Sec. 117. Additional conforming amendments.

**TITLE II—ENVIRONMENTAL ROLE OF THE UNITED STATES IN INTERNATIONAL ORGANIZATIONS TO WHICH IT BELONGS**

- Sec. 201. International energy conference.
- Sec. 202. International greenhouse gas monitoring program.

**TITLE III—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION**

- Sec. 301. Establishment; membership.
- Sec. 302. Commission responsibilities.
- Sec. 303. Report to the President and Congress.
- Sec. 304. Commission staff.
- Sec. 305. Advisory groups.

Sec. 306. Funding; authorization of appropriations.

#### TITLE IV—PRIVATE PROPERTY RIGHTS

Sec. 401. Private Property Rights Act.

#### TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

### TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

#### SEC. 101. SHORT TITLE.

This title may be cited as the "Department of the Environment Act".

#### SEC. 102. FINDINGS.

The Congress finds that—

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal Government;

(2) protection of the environment increasingly involves negotiations with foreign states, including the most highly industrialized states all of whose top environmental officials have ministerial status;

(3) the size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection at the Environmental Protection Agency is commensurate with departmental status; and

(4) a cabinet-level Department of the Environment should be established.

#### SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF THE ENVIRONMENT.

(a) REDESIGNATION.—The Environmental Protection Agency is hereby redesignated as the Department of the Environment (hereafter referred to as the "Department") and shall be an executive department in the executive branch of the Government. The official acronym of the Department shall be the "U.S.D.E."

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of the Environment who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) The Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(3) Except as described under paragraph (2) of this section and section 104(b)(2), and notwithstanding any other provision of law, the Secretary may delegate any functions including the making of regulations to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as determined to be necessary or appropriate.

(c) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of the Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such responsibilities as the Secretary shall prescribe and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of Secretary.

(d) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary and such other executive officers as the Secretary may determine necessary.

(e) REGIONAL OFFICES.—The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

(f) INTERNATIONAL RESPONSIBILITIES OF THE SECRETARY.—(1) In addition to exercising other international responsibilities under existing provisions of law, the Secretary is—

(A) encouraged to assist the Secretary of State to carry out his primary responsibilities for coordinating, negotiating, implementing and participating in international agreements, including participation in international organizations, relevant to environmental protection; and

(B) authorized and encouraged to—

(1) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(i) provide technical and other assistance to foreign countries and international bodies to improve the quality of the environment.

(2) The Secretary of State shall consult with the Secretary of the Environment and such other persons as he determines appropriate on such negotiations, implementations, and participations described under paragraph (1)(A).

(g) AUTHORITY OF THE SECRETARY WITHIN THE DEPARTMENT.—Nothing in the provisions of this Act—

(1) authorizes the Secretary of the Environment to require any action by any officer of any executive department or agency other than officers of the Department of the Environment, except that this paragraph shall not affect any authority provided for by any other provision of law authorizing the Secretary of the Environment to require any such actions;

(2) modifies any Federal law that is administered by any executive department or agency; or

(3) transfers to the Department of the Environment any authority exercised by any other Federal executive department or agency prior to the date of the enactment of this Act, except the authority exercised by the Environmental Protection Agency.

(h) APPLICATION TO THE DEPARTMENT OF THE ENVIRONMENT.—The provisions of this Act apply only to activities of the Department of the Environment, except where expressly provided otherwise.

#### SEC. 104. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 10, as the Secretary shall determine, each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—(1) The Secretary shall assign to Assistant Secretaries such responsibilities as the Secretary considers appropriate, including, but not limited to—

(A) enforcement and compliance monitoring;

(B) research and development;

(C) air and radiation;

(D) water;

(E) pesticides and toxic substances;

(F) solid waste;

(G) hazardous waste;

(H) hazardous waste cleanup;

(I) emergency response;

(J) international affairs;

(K) policy, planning, and evaluation;

(L) pollution prevention;

(M) congressional, intergovernmental, and public affairs; and

(N) administration and resources management, including financial and budget management, information resources management, procurement and assistance management, and personnel and labor relations.

(2) The Secretary may assign and modify any responsibilities at his discretion under paragraph (1), except that the Secretary may not modify the responsibilities of any Assistant Secretary without substantial prior written notification of such modification to the appropriate committees of the Senate and the House of Representatives.

(c) DESIGNATION OF RESPONSIBILITIES PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular responsibilities of the Department such individual shall exercise upon taking office.

(d) CONTINUING PERFORMANCE OF FUNCTIONS.—On the effective date of this Act, the Administrator and Deputy Administrator of the Environmental Protection Agency shall be redesignated as the Secretary and Deputy Secretary of the Department of the Environment, Assistant Administrators of the Agency shall be redesignated as Assistant Secretaries of the Department, and the General Counsel and the Inspector General of the Agency shall be redesignated as the General Counsel and the Inspector General of the Department, without renomination or reconfirmation.

(e) CHIEF INFORMATION RESOURCES OFFICER.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include information resource management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

(2) The Chief Information Resources Officer shall—

(A) advise the Secretary on information resource management activities of the Department as required by section 3506 of title 44, United States Code;

(B) develop and maintain an information resources management system for the Department which provides for—

(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained with Department information systems; and

(iv) the development and annual revision of a 5-year plan for meeting the Department's information technology needs; and

(C) report to the Secretary as required under section 3506 of title 44, United States Code.

#### SEC. 105. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Deputy Assistant Secretaries as the Secretary may determine.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and  
(2) shall perform such functions as the Secretary shall prescribe.

(c) **FUNCTIONS.**—Functions assigned to an Assistant Secretary under section 104(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

**SEC. 106. OFFICE OF THE GENERAL COUNSEL.**

There shall be in the Department, the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

**SEC. 107. OFFICE OF THE INSPECTOR GENERAL.**

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of the Environment.

**SEC. 108. BUREAU OF ENVIRONMENTAL STATISTICS.**

(a) **ESTABLISHMENT.**—(1) There is established within the Department a Bureau of Environmental Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(A) compiling, analyzing, and publishing a comprehensive set of environmental quality statistics which should provide timely summary in the form of industrywide aggregates, multiyear averages, or totals or some similar form and include information on—

(i) the nature, source, and amount of pollutants in the environment; and

(ii) the effects on the public and the environment of those pollutants;

(B) promulgating guidelines for the collection of information by the Department required for the statistics under this paragraph to assure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(C) coordinating the collection of information by the Department for developing such statistics with related information-gathering activities conducted by other Federal agencies;

(D) making readily accessible the statistics published under this paragraph; and

(E) identifying missing information of the kind described under subparagraph (A) (i) and (ii), reviewing these information needs at least annually with the Science Advisory Board, and making recommendations to the appropriate Department of Environment research officials concerning extramural and intramural research programs to provide such information.

(2) Nothing in the provisions of paragraph (1) shall authorize the Bureau to require the collection of any data by any other Department, State or local government, or to establish observation or monitoring programs.

(3) Information compiled by the Bureau of Environmental Statistics, which has been submitted for purposes of statistical reporting requirements of this law, shall not be disclosed publicly in a manner that would reveal the identity of the submitter, including submissions by Federal, State, or local governments, or reveal the identity of any individual consistent with the provisions of section 552a of title 5, United States Code (the Privacy Act of 1974). This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department. The

confidentiality provisions of other statutes authorizing the collection of environmental statistics shall also apply, including but not limited to, section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section 114(c) of the Clean Air Act (42 U.S.C. 741(c)), and section 1905 of title 18, United States Code.

(b) **DIRECTOR OF ENVIRONMENTAL STATISTICS.**—The Bureau shall be under the direction of a Director of Environmental Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The term of the Director shall be 4 years. The Director shall be a qualified individual with experience in the compilation and analysis of environmental statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) **ENVIRONMENTAL STATISTICS ANNUAL REPORT.**—On January 1, 1992, and each January 1 thereafter, the Director shall submit to the President an Environmental Statistics Annual Report (hereafter referred to as the "Report"). The Report shall include, but not be limited to—

(1) statistics on environmental quality including—

(A) The environmental quality of the Nation with respect to all aspects of the environment, including, but not limited to, the air, aquatic ecosystems, including marine, estuarine, and fresh water, and the terrestrial ecosystems, including, but not limited to, the forest, dry-land, wetland, range, urban, suburban, and rural environment; and

(B) changes in the natural environment, including the plant and animal systems, and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(2) statistics on the effects of changes in environmental quality on human health and nonhuman species and ecosystems;

(3) documentation of the method used to obtain and assure the quality of the statistics presented in the Report;

(4) economic information on the current and projected costs and benefits of environmental protection; and

(5) recommendations on improving environmental statistical information.

(d) **CONTINUING PERFORMANCE OF THE FUNCTIONS OF THE DIRECTOR PENDING CONFIRMATION.**—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(e) **ADVISORY COUNCIL ON ENVIRONMENTAL STATISTICS.**—The Director shall appoint an Advisory Council on Environmental Statistics, comprised of no more than 6 private citizens who have expertise in environmental statistics and analysis (except that at least one of such appointees should have expertise in economics) to advise the Director on environmental statistics and analyses, including whether the statistics and analyses disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

(f) **BUREAU AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appro-

riated \$2,800,000 in fiscal year 1992, \$5,400,000 in fiscal year 1993, and such sums as necessary in each fiscal year thereafter to carry out the provisions of this section.

**SEC. 109. GRANT AND CONTRACT AUTHORITY FOR CERTAIN ACTIVITIES.**

The Secretary may make grants to and enter into contracts with State and local governments to assist them in meeting the costs of collecting specific data and other short-term activities that are related to the responsibilities and functions under section 108(a)(1) (A), (B), (C), and (D).

**SEC. 110. STUDY OF DATA NEEDS.**

(a) **STUDY OF DATA NEEDS.**—(1) No later than 1 year after the start of Bureau operations, the Secretary of the Department of Environment, in consultation with the Director of the Bureau and the Assistant Secretary designated as Chief Information Resources Officer, shall enter into an agreement with the National Academy of Sciences for a study, evaluation, and report on the adequacy of the data collection procedures and capabilities of the Department. No later than 18 months following an agreement, the National Academy of Sciences shall report its findings to the Secretary and the Congress. The report shall include an evaluation of the Department's data collection resources, needs, and requirements, and shall include an assessment and evaluation of the following systems, capabilities, and procedures established by the Department to meet those needs and requirements:

(A) data collection procedures and capabilities;

(B) data analysis procedures and capabilities;

(C) the ability of data bases to integrate with one another;

(D) computer hardware and software capabilities;

(E) management information systems, including the ability of management information systems to integrate with another;

(F) Department personnel; and

(G) the Department's budgetary needs and resources for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(2) The report shall include recommendations for improving the Department's data collection systems, capabilities, procedures, data collection, and analytical hardware and software, and for improving its management information systems.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as necessary to carry out the provisions of this section.

**SEC. 111. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.**

(a) **PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.**—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

(b) **REPORTS ON IMPLEMENTATION.**—One year after the date of the enactment of this title and again 3 years after the date of the enactment of this title, the Secretary shall report to the Senate Committees on Appropriations, Governmental Affairs, and Environment and Public Works and to the House of Representatives on the estimated additional cost of implementing this title over the cost as if this title had not been imple-

mented, including a justification of increased staffing not required in the execution of this title.

**SEC. 112. ADMINISTRATIVE PROVISIONS.**

(a) **ACCEPTANCE OF MONEY AND PROPERTY.**—(1) The Secretary may accept and retain money, uncompensated services, and other real and personal property or rights (whether by gift, bequest, devise, or otherwise) for the purpose of carrying out the Department's programs and activities, except that the Secretary shall not endorse any company, product, organization, or service. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be credited in a separate fund in the Treasury of the United States and shall be available for disbursement upon the order of the Secretary.

(2) The Secretary shall prescribe regulations and guidelines setting forth the criteria the Department shall use in determining whether to accept a gift, bequest, or devise. Such criteria shall take into consideration whether the acceptance of the property would reflect unfavorably upon the Department's or any employee's ability to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.

(b) **SEAL OF THE DEPARTMENT.**—(1) On the effective date of this Act, the seal of the Environmental Protection Agency with appropriate changes shall be the seal of the Department of the Environment, until such time as the Secretary may cause a seal of office to be made for the Department of the Environment of such design as the Secretary shall approve.

(2) **CRIMINAL PENALTY FOR UNAUTHORIZED USE OF SEAL.**—(A) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof the following new section:

**“§ 716. Department of the Environment Seal**

“(a) Whoever knowingly displays any printed or other likeness of the official seal of the Department of the Environment, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than \$250 or imprisoned not more than 6 months, or both.

“(b) Whoever, except as authorized under regulations promulgated by the Secretary of the Environment and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department of the Environment, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than \$250 or imprisoned not more than 6 months, or both.

“(c) A violation of subsection (a) or (b) may be enjoined at the suit of the Attorney General of the United States upon complaint by any authorized representative of the Secretary of the Department of the Environment.”

(B) The table of sections for chapter 33 of title 18, United States Code, is amended by adding at the end thereof:

“716. Department of the Environment Seal.”

(c) **ACQUISITION OF COPYRIGHTS AND PATENTS.**—The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(d) **ADVISORY COMMITTEE STANDARDS OF CONDUCT AND COMPENSATION.**—The Secretary may promulgate regulations, no less stringent than any other applicable provision of law, regarding standards of conduct for members of advisory committees (and consultants to advisory committees), including requirements regarding conflicts of interest or disclosure of past and present financial and employment interests. The Secretary is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

**SEC. 113. INHERENTLY GOVERNMENTAL FUNCTIONS.**

(a) **GOVERNMENT OFFICERS AND EMPLOYEES.**—(1) Inherently governmental functions of the Department shall be performed only by officers and employees of the United States. For purposes of this section, “inherently governmental” means any activity which is so intimately related to the public interest as to mandate performance by Government officers and employees. These inherently governmental functions include those activities which require either the exercise of discretion in applying Government authority or the use of value of judgment in making decisions for the Government. These functions shall include, but not be limited to, work of a policy, decisionmaking, or managerial nature which is the direct responsibility of Department officials.

(b) **CONFLICTS OF INTEREST.**—(1) The Secretary shall by regulation require any person proposing to enter into a contract, agreement, or other arrangement, whether by competitive bid or negotiation, for the conduct of research, development, evaluation activities, or for advisory and assistance services, to provide the Secretary, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Secretary, bearing on whether that person has a possible conflict of interest with respect to—

(A) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons; or

(B) being given an unfair competitive advantage.

(2) Such person shall ensure, in accordance with regulations prescribed by the Secretary, compliance with this section by subcontractors of such person who are engaged to perform similar services.

(c) **REQUIRE AFFIRMATIVE FINDING; CONFLICTS OF INTEREST WHICH CANNOT BE AVOIDED; MITIGATION OF CONFLICTS.**—(1) Subject to the provisions of paragraph (2), the Secretary may not enter into any such contract, agreement, or arrangement, unless he affirmatively finds, after evaluating all such information and any other relevant information otherwise available to him, either that—

(A) there is little or no likelihood that a conflict of interest would exist; or

(B) that such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement.

(2) If the Secretary determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Secretary may enter into such contract, agreement, or arrangement, if he—

(A) determines that it is in the best interests of the United States to do so; and

(B) includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

(d) **PUBLIC NOTICE REGARDING CONFLICTS OF INTEREST.**—The Secretary shall promulgate regulations which require public notice to be given whenever the Secretary determines that the award of a contract, agreement, or arrangement may result in a conflict of interest which cannot be avoided by including appropriate conditions therein.

(e) **DISCLAIMER.**—Nothing in this section shall preclude the Department from promulgating regulations to monitor potential conflicts after the contract award.

(f) **RULES.**—No later than 30 days after the effective date of this Act, the Secretary shall publish rules for the implementation of this section.

(g) **CENTRAL FILE.**—The Department shall maintain a central file regarding all cases when a public notice is issued. Other information required under this section shall also be compiled. Access to this information shall be controlled to safeguard any proprietary information.

(h) **DEFINITIONS.**—For purposes of this section, the term “advisory and assistance services” includes—

(1) management and professional support services;

(2) the conduct of studies, analyses, and evaluations; and

(3) engineering and technical services, excluding routine technical services.

**SEC. 114. REFERENCES.**

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of the Environment;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of the Environment;

(3) to the Deputy Administrator of the Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of the Environment; or

(4) to any Assistant Administrator of the Environmental Protection Agency shall be deemed to refer to an Assistant Secretary of the Department of the Environment.

**SEC. 115. SAVINGS PROVISIONS.**

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency, and

(2) which are in effect at the time this Act takes effect, or were final before the effective

tive date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of the Environment, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) **SUITS NOT AFFECTED.**—The provisions of this Act shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Environmental Protection Agency may be continued by the Department with the same effect as if this Act had not been enacted.

(f) **PROPERTY AND RESOURCES.**—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

(g) **SAVINGS.**—The Department of the Environment and its officers, employees, and agents shall have all the powers and authorities of the Environmental Protection Agency.

#### SEC. 116. CONFORMING AMENDMENTS.

(a) **PRESIDENTIAL SUCCESSION.**—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: “, Secretary of the Environment”.

(b) **DEFINITION OF DEPARTMENT, CIVIL SERVICE LAWS.**—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: “The Department of the Environment”.

(c) **COMPENSATION, LEVEL I.**—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: “Secretary of the Environment”.

(d) **COMPENSATION, LEVEL II.**—Section 5313 of title 5, United States Code, is amended by

striking out “Administrator of Environmental Protection Agency” and inserting in lieu thereof “Deputy Secretary of the Environment”.

(e) **COMPENSATION, LEVEL IV.**—Section 5315 of title 5, United States Code, is amended—

(1) by striking out “Inspector General, Environmental Protection Agency” and inserting in lieu thereof “Inspector General, Department of the Environment”; and

(2) by striking each reference to an Assistant Administrator of the Environmental Protection Agency and by adding at the end thereof the following: “Assistant Secretaries, Department of the Environment (10). “General Counsel, Department of the Environment.”.

(f) **COMPENSATION, LEVEL V.**—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

“Director of the Bureau of Environmental Statistics, Department of the Environment.

“Executive Director of the Commission on Improving Environmental Protection.”.

(g) **INSPECTOR GENERAL ACT.**—The Inspector General Act of 1978 is amended—

(1) in section 2(1)—

(A) by inserting “the Department of the Environment,” after “Veterans Affairs,”; and

(B) by striking out “The Environmental Protection Agency.”;

(2) in section 11(1) by striking out “or Veterans Affairs” and inserting “Veterans Affairs, or the Environment.”; and

(3) in section 11(2) by striking out “or Veterans Affairs” and inserting “Veterans Affairs, or the Environment.”.

#### SEC. 117. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Governmental Affairs and the Committee on Environment and Public Works and other appropriate committees of the United States Senate and the appropriate committees of the House of Representatives, the Secretary of the Environment shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this Act. Such legislation shall be submitted not later than 6 months after the effective date of this Act.

#### TITLE II—ENVIRONMENTAL ROLE OF THE UNITED STATES IN INTERNATIONAL ORGANIZATIONS TO WHICH IT BELONGS

##### SEC. 201. INTERNATIONAL ENERGY CONFERENCE.

The Secretary of State, in consultation with the Secretary of Energy and the Secretary of the Environment, and with the advice of the Committee on Earth and Environmental Sciences, is authorized and strongly urged to convene an international meeting to be held in the United States with invitations to representatives of all countries of the world, the purpose of which shall be to encourage the exchange of information concerning energy efficiency and renewable energy resources that are environmentally acceptable and ecologically sustainable.

##### SEC. 202. INTERNATIONAL GREENHOUSE GAS MONITORING PROGRAM.

The President, with the advice of the Committee on Earth and Environmental Sciences, shall encourage the establishment of an office of the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) to monitor annual estimated generation and removal of carbon dioxide and other trace gases on a country-by-country basis.

#### TITLE III—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

##### SEC. 301. ESTABLISHMENT; MEMBERSHIP.

(a) **ESTABLISHMENT.**—There is established the Commission on Improving Environmental Protection (hereafter referred to as “the Commission”) whose 13 members including the Chairman shall be composed of experts in governmental organization (with emphasis on environmental organization), management of organizations and environmental regulation and improved environmental governmental service delivery, consisting of—

(1) seven members to be appointed by the President;

(2) three members to be appointed by the Speaker of the House; and

(3) three members to be appointed by the Senate Majority Leader.

(b) **CHAIRMAN.**—The Chairman of the Commission shall be appointed by the President in consultation with the Congress.

##### SEC. 302. COMMISSION RESPONSIBILITIES.

(a) **RESPONSIBILITIES.**—The Commission shall be responsible for examining and making recommendations on the management and implementation of the environmental laws and programs within the jurisdiction of the Department of the Environment in order to enhance the ability of the Department to preserve and protect human health and the environment. The Commission shall make recommendations and otherwise advise the President and the Congress on the need to—

(1) enhance and strengthen the management and implementation of existing programs within the Department;

(2) enhance the organization of the Department to eliminate duplication and overlap between different programs;

(3) enhance the coordination between different programs and offices within the Department; and

(4) enhance the consistency of policies throughout the Department.

(b) **RECOMMENDATIONS.**—The Commission shall provide specific steps and proposals for implementing the Commission’s recommendations including an estimate of the costs of implementing such recommendations, except that the Commission shall not suggest substantive changes in the policy expressed by existing laws.

##### SEC. 303. REPORT TO THE PRESIDENT AND CONGRESS.

The Commission shall report to the President and the Congress on its investigation, findings, and recommendations in an interim report no later than 12 months after the effective date of this title, and in a final report no later than 24 months after the effective date of this title. The interim report shall be made available for public review and comment, and the comments taken into account in finalizing the report.

##### SEC. 304. COMMISSION STAFF.

The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 title 5, United States Code. With the approval of the Commission the Executive Director may appoint and fix the compensation of staff sufficient to enable the Commission to carry out its duties.

##### SEC. 305. ADVISORY GROUPS.

The Chairman shall convene at least one advisory group to assist the Commission in developing its recommendations. One advisory group shall be composed of past staff of the Department of the Environment and its

predecessor Environmental Protection Agency, other Federal and State officials experienced in administering environmental protection programs, members of the regulated community and members of public interest groups organized to further the goals of environmental protection. The Executive Director is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code. The advisory group shall be subject to the provisions of the Federal Advisory Committee Act.

**SEC. 306. FUNDING; AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$3,000,000 in fiscal year 1992 and \$5,000,000 in fiscal year 1993 to carry out the provisions of this title.

**TITLE IV—PRIVATE PROPERTY RIGHTS**

**SEC. 401. PRIVATE PROPERTY RIGHTS ACT.**

(a) **SHORT TITLE.**—This section may be cited as the "Private Property Rights Act".

(b) **DEFINITIONS.**—For purposes of this section:

(1) The term "agency" means all executive branch agencies, including any military department of the United States Government, any United States Government corporation, United States Government controlled corporation, or other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means any activity wherein private property is taken such that compensation to the owner of that property is required by the Fifth Amendment to the Constitution of the United States.

(c) **PROTECTION OF PRIVATE PROPERTY.**—(1) No regulation promulgated after the date of the enactment of this Act by any agency shall become effective until the issuing agency is certified by the Attorney General to be in compliance with Executive Order 12630 or similar procedures to assess the potential for the taking of private property in the course of Federal regulatory activity, with the goal of minimizing such taking where possible.

(2) Upon receipt of guidelines proposed by an agency for compliance with the procedures referenced in paragraph (1), the Attorney General shall, in a reasonably expeditious manner, either approve such guidelines, or notify the head of such agency of any revisions or modification necessary to obtain approval.

(d) **JUDICIAL REVIEW.**—(1) Judicial review of actions or asserted failures to act pursuant to this section shall be limited to whether the Attorney General has certified the issuing agency as in compliance with Executive Order 12630 or similar procedures. Such review shall be in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons adversely affected or grieved by agency action shall have standing to challenge that action as contrary to this section. In no event shall such review include any issue for which the United States Claims Court has jurisdiction.

(2) Nothing in this subsection shall affect any otherwise available judicial review of agency action.

**TITLE V—EFFECTIVE DATE**

**SEC. 501. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on such date during

the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect 6 months after the date of the enactment of this Act.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. GLENN. 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. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

**THE FEDERAL AID HIGHWAY PROGRAM**

Mr. BAUCUS. Mr. President, when the clock struck twelve last night, America lost a good friend: the Federal Aid Highway Program.

The lapse in this program marks the end of an era—an era when the paramount goal of our national transportation policy was completion of the Interstate System. For the most part, we can look back at the Interstate era and congratulate ourselves for a job well done.

The highway program as we know it today has kept America on the move. All regions of our country—both urban and rural—have grown and prospered as our interstate, primary, and secondary road network expanded.

Yet, today, the interstate is virtually complete. And our world is changing. If America is to compete, we must strive to increase the productivity and efficiency of everything we do—including transportation.

And we are fortunate to have at least four Members of this body who had the vision to recognize this reality early on. I am speaking of the leadership of the Environment and Public Works Committee and its Transportation Subcommittee—Senators BURDICK, CHAFEE, MOYNIHAN, and SYMMS.

Earlier this year, by a 91 to 7 vote, the Senate passed the Surface Transportation Efficiency Act of 1991, known as the highway bill. This forward looking piece of legislation will help lead American transportation policy in the direction of greater competition, efficiency, and productivity.

Specifically, this legislation would give each state the flexibility to de-

velop a transportation system that best meets the needs of its people. We are finally recognizing that, when it comes to transportation policy, not all the answers are found in Washington, DC.

Rather, exciting things are happening in places like Helena, Austin, Albany, Sacramento, and Olympia. Instead of telling the States what is best for them, we have opted to encourage them to innovate. We want each state to find solutions that meet its own unique transportation needs.

The Environment and Public Works Committee's report on the Senate bill contains a thirteen page forward written by Senator MOYNIHAN. I urge any Senator or individual with an interest in transportation policy to pick up a copy of this report and read Senator MOYNIHAN'S inspiring vision of a more efficient, balanced and productive highway program—a program that meets the legitimate needs of all 50 States:

It is very hard to develop competition in a setting of public monopoly. Our idea is to let states compete among themselves. Let them learn from each other's mistakes; copy each other's successes. Those who make wise decisions will prosper. Those who make poor decisions will pay.

This should be the new spirit of the public sector in America. It may sound odd, but there could be no better place for it to begin than with highways. Highways, after all, is where the public sector of the American economy begins. Before public schools, before public broadcasting, before public financing of election campaigns—came public roads.

The moment calls for flexibility. No one state or city is exactly like another. Our job must be to facilitate and reward the best mix of transportation modes suited to specific jurisdictions.

The Senator from New York could not be more correct. We must have a highway bill that recognizes the unique needs of each and every State.

Mr. President, I represent a state with a land mass just slightly smaller than that of the State of California. But our total population is only 800,000—approximately one-thirty seventh the size of California.

It is hard for folks from more densely populated parts of the country to fathom the distances Montanans must cover. One of the greatest challenges facing our State government lies in providing decent roads over these distances. In recent years, with the deregulation of rail and air service further limiting alternative forms of transportation, this job has become even more difficult.

In short, to Montana and many other rural Western States, our highways are everything—absolutely everything. We have no competitive rail and air service. We have no navigable river system.

Our highways are the arteries that connect Montanans with Montana, Montanans with America, and Montanans with the world.

But, outside of 800,000 Montanans, who cares if communities like Scobey, Red Lodge, Thompson Falls, or Lewistown have bad roads?

The answer is we all should care.

These are the places that provide the foods and fiber this Nation needs. There is no question that America's city dwellers benefit from the timber, wheat, beef, oil and gas, and minerals produced in Montana.

Last year, the Washington Post ran an article examining the sources of decline in the Soviet economy. This piece cited "miserable country roads" as one of the main reasons the Soviet Union could not feed its own citizens. Because the Soviet infrastructure is incapable of carrying harvests to market, millions of tons of grain rot on the farms each year.

While this Nation's rural roads are clearly in better shape than those in the Soviet Union, the Soviet's dilemma proves that it is in the national interest to maintain a farm-to-market road network capable of sustaining communities in our heartland.

More than it realizes, urban America depends upon rural America. Our cities and suburbs are not self sufficient. They do not exist alone in a vacuum.

At the same time, those of us representing largely rural States must be sensitive to the transportation challenges facing our cities and suburbs.

Many of our urban highways are filled beyond capacity.

And the more time Americans living in our big cities spend in traffic jams, the less time they have to spend with their families and at work.

In addition, as cars idle on the freeway, they poison the air we breath.

There is no doubt that urban traffic congestion jeopardizes our national competitiveness and quality of life.

But I reject the proposition that we solve this problem by expanding highway capacity. It is axiomatic that traffic volume will expand to meet highway capacity. Before we know it, we will be right back to the gridlock we see today.

Senator MOYNIHAN put it best when he borrowed a famous line from the movie "Fields of Dreams": If you build it, they will come."

Rather than wasting good money by expanding highway capacity, our cities must focus on providing attractive and efficient mass transit systems. And I am pleased that the Senate bill encourages this by giving the States flexibility to freely move funds from highway to mass transit.

Finally, Mr. President, I hope this lapse in the highway program will be short.

We have done our job here in the Senate. But we have yet to see a bill even reach the House floor.

However, from what we know so far, the highway bill likely to emerge from the House will be very different from

what we have passed. The bill being discussed on the House side will lack the Senate's flexibility and urban-rural balance.

While we give the States unprecedented flexibility to spend their highway dollars as they see fit, the House will almost certainly pass a bill rigidly mandating a National Highway System.

In addition, there is every indication the House bill will be larded with billions of dollars in demonstration projects. These projects run contrary to the flexibility that is the hallmark of the Senate bill.

The Senate has turned its back on porkbarrel politics. Our bill does not contain a single demonstration project. The House should show the same restraint.

And most disturbingly of all, it is almost certain that the House bill will stack the deck against rural States.

The House is likely to adopt the so-called FAST funding formula. This formula would—without any rational basis—give double credit for urban lane miles and urban vehicle miles traveled. Its adoption would devastate Montana and virtually every other Western State.

The FAST formula was offered and clearly rejected by this body. Adoption of this formula, or anything like it, would upset the delicate urban-rural balance that allowed the Senate bill to pass by an overwhelming margin.

In closing, Mr. President, I realize that allowing the highway program to lapse will cause hardship in a number of States. However, these pale in comparison to the hardships an unbalanced highway program will cause for Montana and many other States.

Further, it is clear this lapse may be the only way to force the House to act quickly and strike a reasonable compromise at conference.

I commend the leadership of the Environment and Public Works Committee for a job well done. And I urge them to stay the course.

#### FEDERAL RESPONSIBILITY FOR EDUCATION

Mr. PELL. Mr. President, the most recent report of the national goals panel unfortunately shows that there has been almost no progress in improving educational achievement. This report tells us little that we do not already know. In 1983, "A National At Risk" shocked this Nation into sounding an educational alarm. Since that time, we have had more than 8 years of reports on the condition of educational achievement, all of which have shown that we have failed to make significant advances in improving student achievement. In response, we have had two administrations that have provided considerable rhetoric, but little action, on what we need to do to improve education.

While two administrations have done little more than talk about education, we have lost an entire generation of students who have gone through the educational pipeline. We cannot afford to lose another. We must have action beyond rhetoric. We in Congress are poised to carry forward that mission. We stand ready to build upon a legacy of educational assistance established through our current programs. And we stand prepared to move in new directions to bring quality and excellence directly into our schools.

This Congress, we are working to approve three critical pieces of legislation. Each will provide a solid, substantive investment in education. Work is already well underway in our Education Subcommittee to reauthorize the Higher Education Act. Through this reauthorization we hope to increase grant assistance to our Nation's poorest students, increase access to aid for the middle-class, and simplify the entire financial aid process. Mr. President, since the 1980's a great American dream of a college education has become the great American nightmare. During that time, college costs have risen 135 percent while family income has risen only 64 percent. We must find the political will to address this crisis so that tomorrow's work force can have the educational tools to keep our Nation's economy second to none.

We are also at work to reauthorize our educational research programs. Here we will insure that the latest breakthroughs in research go beyond the walls of academia and move directly into the classroom. We need to see to it that research is adapted for school practice so that it may have a direct bearing on school improvement today rather than tomorrow.

Finally, we must enact S. 2, the Strengthening Education for American Families Act. Our goal is to bring excellence to every American school and not just a chosen few. Our course of action is to reach out to every American family and to provide a public education that is second to none. Only through massive school restructuring and reform can we accomplish this, and that is precisely what we seek to begin with the passage of S. 2.

Mr. President, American education is at a crossroads, not unlike our Nation as a whole. How we respond to the crisis and challenges that confront us will determine, in large measure, how well we will wear the mantle of world leadership. What we face in education is more than a microcosm of what we face in the world at large, for what we do in education will surely guide not only how we lead but whether we will be leaders or not.

Through an education of excellence we can retain our leadership in the world economy. Through education we see our faults and learn how to correct them, see our accomplishments and

learn how to build upon them, see those less fortunate and learn how to help them build their lives. And through education we learn just how precious our democracy is, how frail and fragile it can be, how much it means to oppressed peoples everywhere, and how we cannot and should not retreat from leadership that is as strong in waging peace as it is in the conduct of war. As I have said many, many times, it is in the education of our people that we find our strength and our health.

Mr. PRESIDENT, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, we had intended that there be a cloture vote on the motion to proceed to the family leave bill this morning. For a variety of reasons that has been delayed and discussions are continuing on the bill in an attempt to determine the best and most appropriate method to proceed with respect to consideration of the matter.

We are now going to have a meeting which we anticipate will take about 20 minutes with the distinguished assistant Republican leader and interested Senators on both sides.

#### RECESS UNTIL 4:11 P.M.

Mr. MITCHELL. Accordingly, I ask unanimous consent that the Senate now stand in recess until the hour of 4:10 p.m.

There being no objection, the Senate, at 3:46 p.m., recessed until 4:11 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Kentucky, exercising his prerogative as a Senator from Kentucky, suggests the absence of a quorum, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BURNS. Madam President, I also ask unanimous consent that I may proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed as if in morning business.

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1789 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. BURNS. Madam President, I also rise today in strong support of Clarence Thomas to be an Associate Justice to the Supreme Court of the United States.

Ever since I joined this body back in 1989, my first session here, we continued to look for those people who will serve this great country for many reasons. And as I listened to the hearings and observed this man in his answers as a result of the questioning from the Judiciary Committee, there was one thing, very, very evident about this great American. He has seen first hand the diversity of the American experiment, first hand. That is important in this town.

Sometimes we get critical of ourselves and about this city and the way Congress works and the way the administration works and, yes, the way the legislature works, both Houses. But we look for those people who have had hands-on experience, who have sort of come up the hard way, who not only have a formal education, but also graduated with high honors from the university of hard knocks.

He has not only seen, but he has been a part of one of the most historical times in American history, a turbulent time, a time when America had to look inside its own soul to hold itself together.

And from those times, going on to obtain a formal education which most would agree, in fact all of us agree, is of the utmost importance. But when you couple that formal education with the practical experience of life, and all that it teaches, it becomes alive with purpose.

Judge Thomas not only has approached all of his challenges armed with a strong tool of that formal education, but he has the good, old common horse sense to implement it. He has shown to me that inside this man lives compassion for the American people. Only life itself can teach that. He has learned that lesson very, very well.

Here is a man that has been appointed by the President to the highest court in the land. He has been confirmed by this body no less than four times without objection.

On October 7, a new session of the Supreme Court goes to work. He should be seated on that panel so they can get on with the work of this country.

I urge my colleagues to support this man to be a Supreme Court Justice.

Madam President, I thank you.

I yield the floor, and 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. KOHL assumed the chair.)

Mr. ROTH. 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. ROTH. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

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

#### GEORGETOWN BICENTENNIAL

Mr. ROTH. Mr. President, I am proud to pay tribute to a very special place, Georgetown, DE, as we approach the day of its bicentennial. On October 26, 1991, the people of Georgetown will celebrate 200 years of a rich Delaware history.

Over the course of two centuries, the Delawareans who lived and worked in this community built a solid, longlasting, and proud heritage. But they have done more than that.

With vision and intelligence, they have built a town which continues to grow and meet the challenges of the late 20th century. If you walk through the streets of Georgetown, you will see the old and the new working together in an exciting way.

The historic buildings and Victorian houses speak of the past, but the people of this town are very much of the present and the future. Georgetown is expanding and improving an already healthy economic base.

The people of Georgetown exemplify what is best about Hometown, America: They are good, hard-working citizens who care about their community, and who think about the challenges we must face as we approach a new century.

Perhaps there is no better example of how the people of Georgetown, DE, have gracefully combined the past and the present than the celebration of what is known as "Return Day." This is an old tradition that began as far back as 1792.

In those days, the citizens of Sussex County traveled to the county seat of Georgetown to cast their votes on election day. Then, 2 days later, they returned to hear the results. Return Day became a day of celebration and festivity in Georgetown over the years. It was an opportunity for the people to join with their elected representatives and celebrate the victories of democracy. But, importantly, it was also a time for campaign winners and losers to join together in friendship and mutual support.

Today, even though our electronic age has sped up the reporting of elec-

tion results considerably, Georgetown is the only town in America that still faithfully celebrates Return Day. Every 2 years, winners and losers ride together in the Return Day parade, and the sense of community, which is so strong throughout Delaware, is never forgotten.

Mr. President, as we look to the fundamentals here in America, as we concentrate on family, on education, on a sense of community and pride, I think we can learn a great deal from the spirit of the people who live in Georgetown, DE.

I wish all the citizens of Georgetown a joyous and memorable bicentennial celebration.

#### RECESS UNTIL 5:45 P.M.

Mr. FORD. Mr. President, there is a great deal of negotiations going on off the floor as it relates to the pending business and the schedule for the next few days.

On behalf of the majority leader, with the approval of the Republican leader, I now ask unanimous consent that the Senate stand in recess until the hour of 5:45.

There being no objection, the Senate, at 4:59 p.m., recessed until 5:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, for the information of Senators, we have spent the last several hours in private discussions attempting to reach agreement on the best way to proceed to dispose of the pending matter and other matters over the next several days. I intend to propound a unanimous-consent agreement to cover those matters in approximately 15 minutes. We are waiting now to attempt to clear this with several Senators who have expressed an interest in the matter.

So Senators should be aware that at approximately 6 o'clock, or sometime in the next 15 minutes, I will be in a position to propound the agreement which I hope will permit us to proceed to complete action on several matters over the next several days.

There has been a good give and take involving a fairly large number of Senators on both sides of the aisle. This involves important legislation and other important matters that are of keen interest to all Senators, and I thank the Members of the Senate for their patience as we attempt to proceed in a way that I think will ultimately save considerable time for the Senate and accommodate the schedules of a large number of Senators.

So with that, Mr. President, I am going to, in a moment, put in a quorum call and repeat that any Senator who does have an interest in this matter—I believe all offices have been notified

or are in the process of being notified of the terms of the proposed agreement—that those Senators who wish to do so should be on the floor at about 6 p.m.

Mr. President, seeing no other Senator seeking recognition, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I ask unanimous consent I might proceed as in morning business for 4 minutes.

The PRESIDING OFFICER. The Senator may proceed.

#### THE COUP IN HAITI

Mr. PELL. Mr. President, Haiti's fragile experiment with democracy was dealt a crushing setback yesterday. The military is once again attempting to assert its dominance over the Haitian political system by initiating a coup d'etat against President Jean Bertrand Aristide. President Aristide was forced to flee the country early this morning, and a military junta has been formed under Brig. Gen. Raoul Cedras.

As it did with the recent coup attempt in the Soviet Union, the international community is hoping the illegal seizure of power can be turned back. The coming hours should prove to be a crucial period in determining the coup's success or failure; so it is up to the United States and other world powers to act quickly. The United States, France, and Canada have already condemned the coup attempt.

I am today joining with Senator GRAM in introducing a resolution to place the Senate on record in firm support of the return to democratic rule in Haiti. The resolution we are proposing reaffirms the administration's condemnation of the coup. It also calls upon other international bodies, such as the Organization of American States, to take immediate action to promote the restoration of democracy in Haiti.

Mr. President, Haiti's brave attempt to establish itself as viable, economically stable democracy is in grave danger. At risk is a substantial financial aid program from the United States and other international donors. The coup plotters in Haiti must be made aware—in the strongest terms possible—of the consequences of their reprehensible actions. The resolution we are considering will do just that, and I urge its immediate adoption.

#### EVENTS IN HAITI THREATEN DEMOCRACY'S MARCH IN THE AMERICAS

Mr. CRANSTON. Mr. President, I rise today to condemn, in the strongest possible terms, yesterday's military coup against Haiti's democratic government. This barbaric act marks the fifth time in less than half a decade that the army has moved against Haiti's brave democratic forces.

The putsch carried out by a faction of Haiti's military—long a violent, gangsterish force in that country's politics—not only represents a cruel blow to Haitian hopes for the future. It also signifies a horrible reversal of a 15-year trend toward democratic rule in our hemisphere.

No one in the Americas, no matter where he lives or what he does, can or should remain silent in the face of the latest act of armed hooliganism.

Yesterday President Bush used a visit to the celebration of the 30-year anniversary of the opening of Disneyworld in Florida to lash out against the Cuban regime headed by dictator Fidel Castro. Given both the nature of Castro's regime and Miami's large Cuban-American population, this was not surprising and was certainly good politics.

Yet, Mr. Bush was strangely silent on the military maneuver then underway in Haiti.

I urge the administration to work with the Organization of American States to use all possible multilateral measures to restore President Aristide to office. I also urge the OAS, once order is restored to the island republic, to help Mr. Aristide put an end to the virus of militarism in Haiti.

I urge Mr. Bush to show the same leadership he offered in August when the democratic forces in the former Soviet Union were under assault. This cynical act, carried out on our doorstep, cannot be tolerated.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed for 5 minutes as though in morning business.

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

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 1789 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed as in morning business for up to 5 minutes.

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

Mr. GRAHAM. I thank the Chair.

#### CONDEMNATION OF THE VIOLENCE IN HAITI

Mr. GRAHAM. Mr. President, the people of Haiti and the government they freely elected to office just last December are under attack this evening by that country's military.

President Jean-Bertrand Aristide, voted into office by more than 70 percent of electorate, fled for his life early this morning and is in Venezuela. Members of his government have been arrested. More than 130 civilians are dead, shot down by the marauding army that continues to terrorize the citizens of Haiti's capital, Port-au-Prince.

Mr. President, the election that took place in Haiti last December was truly a momentous event. It was the first free, fair and open election in the almost 200-year history of the nation of Haiti. The first. It must not be the last.

More than 1,000 international observers were on hand to observe the voting. The United Nations provided security assistance. Haitians turned out in large numbers. Ballot counting went on through the night and into the next day. President Aristide received almost 70 percent of the vote.

The election, unmarred by violence, was a far cry from the blood bath the world witnessed in 1987 when Haitians tried to vote following the ouster of President-for-life Jean Claude Duvalier.

Unfortunately, tragically after 8 months of democratic civilian rule, we had another bloodbath on our hands in Haiti. It is time we stated categorically that we are one with the Haitian people in their fight for democracy.

Mr. President, it is my intention before today's business of the Senate is concluded to offer a resolution expressing the support of the United States Senate for democracy in Haiti, expressing our abhorrence at the return of military authoritarian rule in that country.

It is my intention to ask that the United States take what action it can unilaterally undertake. And I am pleased, Mr. President, that the President of the United States has already announced his intention to terminate all economic and military aid to Haiti as long as it is under the control of the military junta.

The United States also has the opportunity to rally the international community. Last year the Organization of American States at its meeting in Santiago, Chile, adopted what was a

first for that hemispheric organization. That is a commitment that in the event a democratically elected government was threatened, as has now occurred in Haiti, the hemispheric community of democratic nations would immediately come together and take such action as was deemed appropriate to restore that democratic government. There will be, I hope, in the next few hours or, if not, days a meeting of the foreign ministers of the Organization of American States' nations for precisely this purpose.

The proposal which I will shortly submit commends the OAS for that activity and offers the full support of the United States for this international effort toward the restoration of a democratic government in Haiti.

Mr. President, it is an appalling circumstance that so close to our Nation's shores, in a country which has played at times a critical role in the history of our own country's struggle for the preservation of freedom and democracy, that nation should see the flickering flame of democracy be crushed after such a short period; that that nation should again be subjected to the terror and violence that has been too much a part of its history.

It is my hope, Mr. President, that our Nation and other democracies in this hemisphere will see this for what it is, a direct challenge to the will of the people of Haiti in their desire to govern themselves and to restore basic human rights, and that we will with our other allies in this hemisphere take appropriate action to see that this dark shadow of authoritarian rule is not once again inflicted upon the people of Haiti.

Thank you, Mr. President.

The PRESIDING OFFICER. Does the Senator from Florida note the absence of a quorum?

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

The PRESIDING OFFICER. The clerk will call the role.

The bill clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I ask unanimous consent that I may be allowed to proceed as in morning business.

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

#### CONDEMNING THE MILITARY COUP IN HAITI

Mr. DODD. Mr. President, I rise this evening to speak in support of the pending resolution offered by the distinguished Senator from Florida [Mr. GRAHAM] and others. I ask unanimous consent that I be added as a cosponsor.

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

Mr. DODD. Mr. President, yesterday, the expressed will of the Haitian people was thwarted by the illegal ouster of the duly elected President of Haiti, Jean-Bertrand Aristide. The Haitian military has perpetrated an outrageous political crime against President Aristide and the Haitian people. This act deserves the outright and unqualified condemnation of the people of Haiti, the people of the United States, and the people of the entire community of nations.

Mr. President, a little over 1 month ago, the hardliners in Moscow were forced to back down from their efforts to turn back the tide of democracy sweeping through the Republics of the Soviet Union. They were forced to respect the democratic aspirations of the Soviet people. I hope that the generals in Port-au-Prince will be forced to take a similar course. The generals must understand, or be made to understand that the international community will not permit such petty acts of tyranny to stand in the way of the aspirations of the Haitian people.

With one voice the international community must make clear to the Haitian military that the only satisfactory resolution of this matter is the restoration of the government of President Aristide. The Organization of American States, which is shortly to convene an emergency meeting to address this crisis, must speak and act forcefully to renounce this illegal act and to take collective action to reverse it. Clearly the Haitian people, who have struggled so long and hard to see their aspirations of a democratic Haiti, deserve no less.

I call upon President Bush, in consultation with other governments throughout the hemisphere and elsewhere, to do all that is possible to work toward that outcome, and I urge my colleagues to support the resolution before us as an endorsement of those efforts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to proceed with a statement in support of the nomination of Clarence Thomas to the U.S. Supreme Court.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MURKOWSKI. I thank the Chair.

#### THE NOMINATION OF CLARENCE THOMAS TO THE SUPREME COURT

Mr. MURKOWSKI. Mr. President, I rise today to express my strong support

for the President's nomination of Judge Clarence Thomas to succeed retiring Supreme Court Justice Thurgood Marshall.

After the President nominated Judge Thomas, I carefully reviewed his professional and academic background and qualifications to be an Associate Justice. I also had the opportunity to meet with him to discuss his nomination. I came away from this experience not only confident that Judge Thomas will be a valuable addition to the Court, but also impressed with a man whose life, in many ways, typifies the ideal of the American dream.

Drawing upon the values instilled in him by his family, Judge Thomas has succeeded, in no small part, because of his belief in the value of hard work, the inherent equality of all people, and the importance of self-reliance. The distance he has traveled from his humble beginnings in Pin Point, GA, to Holy Cross College and Yale Law School and now his nomination to the highest court in our land, has been marked by determination, hard work, and commitment to public service. I would expect Judge Thomas' tenure on the Court to be as exemplary.

Throughout the extensive hearings conducted by the Senate Judiciary Committee, Judge Thomas has demonstrated that he is well-versed in the law and that he possesses the intellectual capacity necessary to rule on a variety of complex issues. I am confident that his academic background and professional experience have sufficiently prepared him to serve as an associate justice. I am equally convinced that his decisions on the Court will be tempered by life experiences that make him sensitive to the impact of his decisions on parties before the Court.

There has been a great deal of emphasis in the Judiciary Committee hearings on pinning down Judge Thomas' philosophy on particular issues which may come before the Court. A more appropriate standard for reviewing his qualifications is that standard articulated by the American Bar Association in making its determination that a candidate is "qualified." For a nominee to be judged as "qualified" the ABA requires that the nominee "have outstanding legal ability and wide experience and meet the highest standards of integrity, judicial temperament, and professional competence." Judge Clarence Thomas clearly meets that standard.

I urge my colleagues to support the confirmation of Clarence Thomas to be an Associate Justice of the Supreme Court.

#### THE SCHEDULE

Mr. MURKOWSKI. Mr. President, one more item since I see the majority leader is on the floor, if I might just have his attention very briefly, and di-

rect my comments to the majority leader.

Mr. President, if I may have the attention of the majority leader for a brief moment, I understand that there has been an effort to reach an agreement concerning the remainder of the schedule, and obviously we operate by the majority rule in the sense of trying to accommodate as many Members as possible. But in view of the fact that there was some indication, at least, that we might have an uninterrupted period of time over the Columbus Day recess, I made certain plans and commitments. I have a Federal judge to meet and they are having an affair in Fairbanks on Monday, and, as a consequence, I feel that I must attend. But on the other hand, I must be here for the Thomas vote if indeed that does occur, as I understand might be proposed, sometime Tuesday.

It is not that I wish my colleagues who live a short distance in an afterlife to have the experience that I have in traveling to make that vote and back to Alaska, about 20,000 miles by the time I would go up and meet the commitments, come back, and then leave again and spend some 56 hours in the air over a period of 2 days.

It seems to me there ought to be some other way to try to keep the commitments that had not been committed in the spirit they could not be changed, but for those of us who live in Hawaii, live on the west coast, and other long-distance areas, it is inconvenient, to say the least.

I understand the leader has many problems and many people to try to meet their concerns, but it is indeed unfortunate that I am looking at 20,000 miles in 2 days to meet commitments I have made some time ago. I wanted to make that known to my colleagues because I think, as we address the quality of life here, we begin pushing it particularly for those of us who live that great distance. If I had a nonstop from National Airport to Atlanta or St. Louis, I would feel perhaps a little differently, but contemplating that type of travel I feel a little crusty, I might say. I apologize to the majority leader, but I wanted to make my point known.

Mr. MITCHELL. Mr. President, I thank the Senator for his comments and his courtesy. I am very sympathetic to the Senator's needs, which is one reason why the distinguished Republican leader and I made such an effort to accommodate the Senator from Alaska and other Western Senators on so many occasions in the past.

With respect to the Columbus Day recess, I would simply note that when the matter was discussed here on the floor of the Senate by Senator DOLE and myself, I stated explicitly that additional time for that period would be forthcoming provided the Senate completed action on certain measures prior to that. I was then asked the precise

question by the distinguished junior Senator from Mississippi, what happens if the Senate has not completed action on those measures by October 4? My answer was the Senate will be in session on October 7 and 8 and 9, until they do.

I might say to the Senator that the distinguished senior Senator from Mississippi then expressed his opinion on the subject in which he made known his criticism of the whole approach of trying to do it in this manner, a point of view which I respect and accept. The reason we now have a hangup is trying to complete action on the Thomas nomination. I am trying to accommodate the President, the distinguished Republican leader, and the Senator from Missouri. The Senator from Alaska will get no quarrel from me if he would say the Senate should go out on Friday, take a week and come back and do the Thomas nomination at some later time. I am trying to strike a fair balance in the interest of all concerned in trying to accommodate the schedules of 100 Senators, each of whom has different interests and needs. I am very sympathetic with the tremendous travel problems that the Senators from Hawaii and Alaska have. We tried very hard to try to accommodate the concerns in this session and the prior session. We will continue to do so.

Mr. MURKOWSKI. I thank the majority leader. It was my understanding that possibly Friday, or Saturday at the latest, 48 hours would expire so we could have taken the Thomas matter up for a vote either Friday or Saturday as opposed to carrying it over to next week. But unless I am corrected on that, I believe there was objection by one Member.

Mr. MITCHELL. Let us not have any misunderstanding on the record. Under the rules, the Senate, with unanimous consent, could not take up the nomination until 48 hours after the report is printed and available to all Senators. The report is expected to be printed and available for all Senators tomorrow during the day. I do not know the time. Therefore, we could not even take it up until sometime during the day on Friday. Given the importance of the nomination, I think it is a reasonable request to suggest that there be a period of 3 or 4 days to consider it.

If we can get to this unanimous-consent request, which I am trying to get to, I am going to propose waiving the rule and bring it up on Thursday prior to the time when it would otherwise be available to be brought up so that we can begin discussion and have a full 4-day period for debate on it and then everybody have the opportunity to express themselves and have a vote on it at a reasonable time.

Mr. MURKOWSKI. Mr. President, I assume the majority leaders would need unanimous consent to get that.

Mr. MITCHELL. Yes, I do. And with the Republican leader here, I am hoping to propound it shortly.

Mr. MURKOWSKI. Mr. President, it is my understanding, I wish to advise the majority leader, that there is pending an objection to the unanimous-consent agreement, for it to be taken up at the end of the 48 hours. I may be incorrect on that, but that is my understanding, which means there would be objection raised by someone to taking it up at the end of the 48 hours.

Mr. MITCHELL. I have no knowledge of that. In fact, there is no basis for objecting after 48 hours.

Mr. MURKOWSKI. The objection, I believe, Mr. President, is to taking it up with the agreement that at the end of the 48 hours there would be a vote on it, which would mean we would vote Friday or Saturday. That would take a unanimous-consent agreement.

Mr. MITCHELL. Yes. I am not aware of any objection. It has been cleared on the Democratic side that we could get consent to proceed to the Thomas nomination earlier than would otherwise be permissible under the rules.

If there is objection on the Republican side, then, of course, that objection will be stated and we will not be able to proceed to it.

Mr. MURKOWSKI. I understand. It is my understanding if there would be an objection, if it were posed, it would be on the other side. That is my understanding.

I thank the majority leader. I thank the Chair and I appreciate his courtesies.

Mr. WIRTH. Mr. President, what is the current business before the Senate?

The PRESIDING OFFICER (Mr. BRYAN). The current business before the Senate, the pending question is, Is it the sense of the Senate to limit debate on the motion to proceed to consideration of S. 5, the family medical leave legislation?

Mr. WIRTH. There is discussion currently going on on what agreement might be reached between the two sides; is that correct?

The PRESIDING OFFICER. The Chair is informed that the pending business is before the Senate based upon a prior unanimous-consent agreement. It is the Chair's further understanding that discussions have been going on with respect to vitiating that unanimous-consent agreement and propounding yet another.

Mr. WIRTH. It is my understanding that the Parliamentarian would be very happy if we were actually formally in a quorum call.

So, I would therefore note the absence of a quorum.

The PRESIDING OFFICER. The Chair appreciates the astute observation by the Senator from Colorado.

Mr. WIRTH. I thank the Chair.

The PRESIDING OFFICER. The absence of a quorum having been suggested, 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.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 5 be vitiated; that the Senate proceed to the consideration of Calendar No. 100, S. 5, the family medical leave bill at 10:30 a.m. on Wednesday, October 2; that following opening statements on the bill by the two managers, Senator BOND be recognized to offer a substitute amendment on behalf of himself, Senators FORD and COATS; that there be 2 hours of debate equally divided and controlled in the usual form on the amendment; that the only amendment in order to the Bond-Ford-Coats amendment be a Durenberger amendment relative to the arbitration of disputes, on which there be 1 hour for debate equally divided in the usual form; that no other amendments be in order, and that at the conclusion or yielding back of time, the Senate vote, without any intervening action or debate, on the Durenberger amendment to be followed, without any intervening action or debate, by a vote on the Bond-Ford-Coats amendment, as amended, if amended; that following the disposition of the Bond-Ford-Coats amendment, notwithstanding the adoption of the Bond-Ford-Coats amendment, Senator HATCH be recognized to offer an amendment; that there be 2 hours of debate equally divided and controlled in the usual form on the Hatch amendment, and that no other amendments be in order; and that at the conclusion or yielding back of time on the Hatch amendment, the Senate vote on the Hatch amendment; that upon the disposition of the Hatch amendment, the Senate vote on the committee substitute, as amended, if amended, to be followed by a third reading and final passage of the bill, all of which is to be done without any intervening action or debate, and that any rollcall votes ordered on the above amendments be stacked to occur beginning at 4 p.m. on Wednesday, October 2, in the following order: the Durenberger amendment, the Bond-Ford-Coats amendment, the Hatch amendment; further, that a vote on Senate Resolution 186, Senator GRAHAM of Florida's Haiti resolution, occur without any intervening action or debate, immediately upon the disposition of S. 5.

I further ask unanimous consent, as if in executive session, that at 10 a.m. on Thursday, October 3, the Senate go into executive session to consider the nomination of Judge Thomas to be an Associate Justice of the Supreme Court, and that a vote on the Thomas

nomination occur on Tuesday, October 8 at 6 p.m.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object, and I know we cannot be certain of this but I wanted to check, after third reading, it is my understanding that final passage will occur on a voice vote.

Mr. MITCHELL. The Senator is correct. That cannot be included in the unanimous-consent request, as the Senator knows, but we have discussed this matter with the manager of the bill, the principal author, the Senator from Connecticut, and the distinguished junior Senator from Missouri who has also been very active in the legislation and the distinguished senior Senator from Kentucky. It is my understanding there is no intention to seek a rollcall vote on final passage of the bill, with rollcall votes having previously occurred on the substitute amendment offered by Senators BOND, FORD, and COATS, and the Hatch amendment, if a vote is sought on that amendment.

Mr. DODD. Will the Senator yield?

Mr. MITCHELL. I yield to the Senator from Connecticut.

Mr. DODD. I certainly concur entirely with the statement made by the majority leader. It is certainly my intention to have a voice vote on final passage.

Mr. DOLE. Further reserving the right to object, we talked earlier, in fact, we had an agreement earlier, as I recall, that rather than have an up-or-down vote on the amendments, that it would be on the amendments or in relation to the amendments. I understand there is now objection on that side to having a vote on a motion to table even though we on this side have had a whip check, as I indicated we would have, and a vote to table would receive somewhere in the neighborhood of 30, 35 votes.

Mr. MITCHELL. I will yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the minority leader's request in that regard. But for reasons we have discussed earlier, that would not be acceptable. I appreciate his effort in that regard. Because it is such an open-ended issue as to how that may come out, we thought it might be preferable just to have the straight up or down vote on the Bond-Coats-Ford amendment. And if Senator HATCH so desires, the same, an up or down vote on his proposition as well. But I appreciate his efforts in that regard.

Mr. DOLE. Mr. President, I further observe I am not going to object on that basis, but I just want to make the record because a number of Members on this side, when I first contacted them, the understanding was they would have that opportunity if necessary. It might not even seem to us—

since we worked this out in good faith, at least we ought to have the option of a motion to table which we may or may not make tomorrow. Because I think if this agreement is reached we have just saved 2 or 3 days of debate on this legislation. But I understand if that were included then there would be an objection from that side of the aisle. Is that correct?

Mr. DODD. The Senator is correct. The PRESIDING OFFICER. Is there objection? The Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, reserving the right to object, and I hope I will not have to object. In fact, I did not realize on the other side that there would be an objection to what the Senator just referred. But for my part, I have wanted to be included in the unanimous-consent agreement, a very simple amendment that would extend the law to employees of the Senate. In a sense it would make the law and the remedies under the law applicable to employees of the Senate and to us individual Senators in the same vein as applicable to everybody else in the country.

I do not need a lot of time on this amendment because everybody understands it very clearly. It is a very simple amendment. I ask as little as 10 minutes for me to offer my amendment, and I assume equal time on the other side, 10 minutes for the other side for those who might want to speak in opposition to it.

I think that it is eminently fair. It starts with a proposition of being fair to the employees of the Senate, to have the same remedies that people in the private sector have. More important, it seemed to me too often this body has exempted the Senate from the applicability of laws that are applicable—as they affect people in the private sector.

I do not see why there would be any opposition to our debating this just for 10 minutes and having a vote. It does not take any more time than that, as far as I am concerned. I would like to have a longer period of time but I know the necessity of moving forward with the legislation so that we can get to the Thomas nomination. I do not have any objection to that. I do not have any objection to anything else in the UC.

All I would like to do is have 10 minutes to offer an amendment that I think is very simple and straightforward, but based upon a very sound principle, that we ought to have the same laws applicable to Senators as employers as we expect every other employer in the United States to meet. It is that simple.

So I reserve the right to object in the sense of asking the people who are proposing the unanimous-consent agreement what the problem was with my being included.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I yield to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I thank the majority leader and thank the Chair. I have been talking with my distinguished friend from Iowa, Senator GRASSLEY, about some remedy that would be in order as it relates to the operation of the Senate. There is a constitutional question, as the Senator knows; the separation of powers. I have offered to my good friend—if he would introduce a piece of legislation that would bring about, through an orderly fashion, what he is attempting to do tonight—I offered to hold hearings and expedite what he is attempting to do so we might do it in a thoughtful manner rather than a sudden amendment to every bill that comes through here. We could take care of that.

On the other side of that coin, the Senator has had his amendment up before. He has been soundly defeated. The ranking member of the Ethics Committee, a distinguished legal mind here in the Senate, has been very strongly opposed to his amendment.

I hope that he and I could work together—I certainly want to—to see that the piece of legislation is introduced, that it comes before the Rules Committee, it follows the course of other pieces of legislation here, and we will finally put into place something for the Senate.

I have not seen the amendment. No one has seen the amendment. We do not know exactly the language. But I understand that it just covers the Senate and not the House.

Am I correct in that?

Mr. DODD. Will my colleague from Kentucky yield on that?

Mr. FORD. I will in a moment.

Mr. GRASSLEY. If the Senator will yield, I will provide an answer to the question. It does just apply to the Senate in deference to comity between the two bodies. We have debated that and we all agree to that. I think it is normal procedure for the way we do business here.

Mr. FORD. Mr. President, is there no way we could work out a piece of legislation that would become a rule of the Senate, that would accommodate the Senator and accommodate other Members? I hope we could do that without taking us through this vote because there is a question in a lot of people's minds about the procedure, about the constitutionality. Some say there is not any constitutional question. Others say there is.

I am not a lawyer. Dad always told me a little knowledge in the law is dangerous; get you a good lawyer and stay with him. So I think we have some good legal minds that are advising us that there is a constitutional question as it relates to the separation of powers.

I hope we could get into an agreement here that we could move forward and we would not have to have this vote every time a piece of legislation comes through the Senate.

Mr. DODD. Will my colleague yield?

Mr. FORD. I will be glad to yield. But the majority leader has the floor. He yielded to me. I do not have the right to yield.

Mr. MITCHELL. I will yield to the Senator from Connecticut.

Mr. DODD. Just very briefly—and I ask the attention of my colleague from Iowa—on page 103 of the proposed legislation there is section 404, which is entitled "Section 404, Coverage of the Senate."

It says:

A, coverage, 1, application. Rights and protections established under section 101 through 105 shall apply with respect to Senate employee or employing authority of the Senate.

It goes on in terms of who eligible employee means and the term employer, the Senate.

This is the language that, as I understand it, was adopted and worked out between, I believe, Senator STEVENS of Alaska, Senator, RUDMAN, Senator FORD, and others on a variety of other pieces of legislation where this matter has been raised—in the Civil Rights Act, I think in the Disabilities Act—language that was worked out to cover the kind of situation and provide the necessary protections that the Senator from Kentucky has just described.

We voted on that and adopted that, whereas the proposition my colleague from Iowa wants to offer, with all due respect, we voted on that in the past. It has been defeated rather overwhelmingly, and the compromise language has been added on. It seems to me that covers the kind of situation the Senator is talking about.

Mr. MITCHELL. Mr. President, I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, is there any way the Senator would introduce legislation and I agree to hold a hearing in an expeditious manner and we then go to hearings and have testimony and have markup and let this bill come out and do it in that sort of way rather than have an amendment on every piece of legislation that comes through the Senate? Would the Senate agree to that?

Mr. MITCHELL. I will yield to the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would not agree to that because we are talking about, here, a refinement of the present legislation that the Senator from Connecticut very adequately described—the legislation. But what it does not do that I would attempt to do is to give Senate employees the same remedy that private sector employees have. I think that it is important that we do this on the legislation. It is a shortcoming of a specific piece of legis-

lation. And if this legislation had not been before us, this would not be an issue I would have to deal with.

So a general piece of legislation that the Senator from Kentucky is talking about is not applicable until the Senate as a body tries to pass other legislation that, in turn, treats Senate employees different than private sector employees, or, in a sense, says the Senators do not have to abide by the same law that the rest of the country has to abide by.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I regret that we struggled for over 6 hours today trying to reach agreement to dispose of the three matters mentioned in the agreement.

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. GRASSLEY. 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. GRASSLEY. Mr. President, for your benefit and the benefit of the leaders, I have had a chance to have some discussion about my desire to offer the amendment that I have already described to the Senate on other opportunities to offer that amendment. I talked to Senator DANFORTH, Senator SIMPSON, and Senator DOLE about it. This amendment would have been offered by myself to any bill where the Senate would offer remedies different for its employees than are offered to private sector employees, because I desire parallelism between the treatment of both groups of people.

I would probably be offering that on the civil rights bill that will come up later on this month. If I could speak a desire that I would have at that point, it would be to offer the amendment to the civil rights bill; it would be to have an up or down vote on that amendment; it would be that it would not be second-degreed, so that I could have a pure vote on the issue that I want to bring before the Senate.

I had an opportunity to discuss that with Senator DANFORTH, who is a leader in civil rights. He does not agree with me on the substance of my legislation, but he, I sense, feels that it ought to have its day in court and would be willing procedurally to help me accomplish that.

If that can be worked out, I would be happy to withdraw my objection to the unanimous consent request that the majority leader propounded that I have

already objected to. If he wanted to offer it again, I would not be one to object at that point; if I could be satisfied that the way I have described it would be carried out; that there is sympathy to that approach; and every effort, good-faith effort, made to accomplish that procedurally.

Mr. DANFORTH. Mr. President, responding to the Senator from Iowa, I think that it is important that we enter into the time agreement, unanimous-consent agreement that has been propounded by the majority leader. It is my understanding that after the recess the civil rights bill be brought to the floor of the Senate, and I would anticipate being active on the floor during that debate.

I have told the Senator from Iowa that I do not agree with the merits of his amendment, that I would oppose the amendment, and that I would vote against the amendment. But I have also told him that I have no intention, and will not make a tabling motion, and that I will not offer a second-degree amendment to his amendment should it be offered to the civil right bill.

Further, I have told him that while I cannot speak for any other Senator, at least I would do my best to urge my side on the civil rights bill to refrain from either a second-degree amendment or a tabling motion.

Mr. DOLE. Will the Senator from Iowa yield?

Mr. GRASSLEY. I do not have the floor.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, let me make the same assurance to the Senator from Iowa. I do not know. I cannot speak for everyone on this side. But I do know that the Senator from Missouri, Senator DANFORTH, would be actively engaged in any civil rights bill that comes before the floor.

I would also state to the Senator from Iowa, I would certainly encourage my colleagues on this side. I do not think there would be a tabling motion on this side; there would not be a second degree. Again, if there is any indication of that, I would do my best to discourage it, because I think this particular agreement is important.

I think there are other ways we could have reached this agreement. I think we could have maybe voted on the motion to proceed and go that route. We do not know how that vote will come out. It is very close. But we are not doing that now. We are trying to reach an agreement by unanimous consent.

So I want to underscore that I told the Senator from Iowa privately that I would be of every assistance that I can. I have spoken to the distinguished majority leader. If he could shed any light, it would be helpful to us.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I just now heard the request, moments before the Senator from Iowa stated it. The distinguished Republican leader told me what it would be.

I have no intention of making a motion to table the Senator's amendment or offering a second-degree amendment. However, it should be clear to everyone, and I think I ought to state it on the record, there are 54 Democratic Senators, 53 Democratic Senators not present here on the floor. I cannot speak for any of them. I am not able to make a commitment that those who have been involved in the civil rights legislation will not want to do so.

So, while I am prepared to state that I have no intention of offering a second-degree amendment to the Senator's amendment or move to table that, I am unable to respond to behalf of the many Senators who are not here and, of course who are not aware of this.

I think most of them have not been actively involved in the civil rights legislation, and probably will not have a reaction one way or the other to the request of the amendment. But I cannot speak for everyone.

Mr. GRASSLEY. Mr. President, would the majority leader yield? I guess the only other thing, since the Senator from Kentucky is on the floor—he has been involved in opposition to the approach that I take—I would hope that Senator FORD could assure us that he would not stand in the way, as he has this evening, of my amendment being offered to the civil rights bill when it comes up.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, I will give the same statement to my good friend from Iowa that the distinguished senior Senator from Missouri gave to him. I do not like his amendment. I will vote against his amendment, but I will not move to amend it or to table it.

I think what we ought to do here is to lay this question to rest. And if we could get a piece of legislation that he can introduce along with the cosponsors and send it to the Rules Committee, hold hearings on it, let us have a markup, do our best to bring it to the floor, we will not have this. We would have a set rule for the Senate.

I cannot go any further than that. I cannot guarantee anything beyond that, except I want to work. I have worked hard, if you look at the votes, and other remedies as we go back to the civil rights bill. We worked on it. It faded. We had a recommittal here, and so forth.

So I just want to encourage my friend to work with me to see if we cannot get a piece of legislation that would take us out of this. But, one, as

I say, I agree with the senior Senator from Missouri. I will pledge to my friend that I will not move to table nor to second degree his amendment.

Mr. GRASSLEY. Mr. President, I thank the Senator from Kentucky for his fairly positive response. I would like to give a response in return. Since he has asked me to consider introducing legislation, I will seriously consider his request in that vein without circumventing any attempt that I am going to make on the civil rights bill. But I will be glad to pursue that as a parallel track, Mr. President. I yield the floor.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, the unanimous-consent request previously propounded by the majority leader is agreed to.

The text of the agreement follows:

*Ordered*, That at 10:30 a.m. on Wednesday, October 2, 1991, the Senate proceed to the consideration of S. 5, the Family Medical Leave bill, and that following opening statements by the two managers, the Senator from Missouri (Mr. Bond) be recognized to offer a substitute amendment on behalf of himself, Senator Ford, and Senator Coats, on which there shall be 2 hours debate, equally divided and controlled in the usual form.

*Ordered further*, That the only amendment in order to the Bond-Ford-Coats amendment be a Durenberger amendment relative to the arbitration of disputes, on which there shall be 1 hour debate, equally divided in the usual form.

*Ordered further*, That no other amendments be in order.

*Ordered further*, That at the conclusion or yielding back of time, the Senate vote, without any intervening action or debate, on the Durenberger amendment, to be followed, without any intervening action or debate, by a vote on the Bond-Ford-Coats amendment, as amended, if amended.

*Ordered further*, That following the disposition of the Bond-Ford-Coats amendment, notwithstanding the adoption of the Bond-Ford-Coats amendment, the Senator from Utah (Mr. Hatch) be recognized to offer an amendment, on which there shall be 2 hours debate, equally divided and controlled in the usual form, with no other amendments in order.

*Ordered further*, That at the conclusion or yielding back of time on the Hatch amendment, the Senate vote on the Hatch amendment.

*Ordered further*, That upon the disposition of the Hatch amendment, the Senate vote on the committee substitute, as amended, if amended, to be followed by third reading and final passage of the bill, all of which to be done without any intervening action or debate.

*Ordered further*, That any rollcall votes ordered on the above amendments be stacked to occur at 4 p.m. on Wednesday, October 2, in the following order: the Durenberger amendment, the Bond-Ford-Coats amendment, and the Hatch amendment.

#### PROGRAM

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this

evening. Pursuant to the agreement just obtained, there will be a series of votes tomorrow beginning at 4 p.m. There will be possibly three or four votes, Mr. President. That has not been finally determined. But there will be those votes.

On Thursday we will begin with the consideration of the nomination of Judge Thomas, a vote on which will occur next Tuesday at 6 p.m.

#### EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 313, and all nominations placed on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; and the motions to reconsider be laid on the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF STATE

Thomas Michael Tolliver Niles, of the District of Columbia, a career member of the Senior Foreign Service, class of Career Minister, to be an Assistant Secretary of State.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning William Clark, Jr., and ending Thomas A. Rodgers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 11, 1991.

#### LEGISLATIVE SESSION

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

#### 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.)

#### MESSAGES FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives announced

that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 78. Joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month";

S.J. Res. 156. Joint resolution to designate the week of October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week"; and

S.J. Res. 172. Joint resolution to authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month."

#### ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 156. Joint resolution to designate the week of October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week"; and

S.J. Res. 172. Joint resolution to authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month."

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

At 4:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3259. An act to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth; and for other purposes;

H.R. 3280. An act to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters;

H.R. 3322. An act to designate the building in St. Louis, Missouri, which is currently known as the Wellston Station, as the "Gwen B. Giles Post Office Building"; and

S.J. Res. 191. Joint resolution designating January 5, 1992 through January 11, 1992 as "National Law Enforcement Training Week."

#### MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

S.J. Res. 191. Joint resolution designating January 5, 1992 through January 11, 1992, as "National Law Enforcement Training Week"; to the Committee on the Judiciary.

#### ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, October 1, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 156. Joint resolution to designate the week of October 6, 1991, through October

12, 1991, as "Mental Illness Awareness Week; and

S.J. Res. 172. Joint resolution to authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month."

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1967. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide funding for the resolution of failed thrifts and working capital for the Resolution Trust Corporation, to restructure the Oversight Board and the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-1968. A communication from the Secretary of Energy, transmitting, pursuant to law, the twelfth annual report on the use of alcohol in fuels; to the Committee on Energy and Natural Resources.

EC-1969. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend subsection 31(e) of the Mineral Leasing Act, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1970. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1971. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1972. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1973. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1974. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on progress in demonstrations to test ways of promoting vocational rehabilitation and helping Social Security disability beneficiaries return to work; to the Committee on Finance.

EC-1975. A communication from the President of the National Academy of Public Administration, transmitting, pursuant to law, a report on an evaluation of human resource management at the Health Care Financing Administration; to the Committee on Finance.

EC-1976. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the semi-annual reports for the period October 1990 to March 1991 listing voluntary contributions made by the United States Government to international organizations; to the Committee on Foreign Relations.

EC-1977. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of an award; to the Committee on Foreign Relations.

EC-1978. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Final Audit on the D.C. Commission on Baseball"; to the Committee on Governmental Affairs.

EC-1979. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Guaranteed Student Loan and PLUS Programs; to the Committee on Labor and Human Resources.

EC-1980. A communication from the Executive Director of the National Council on Vocational Education, transmitting, pursuant to law, a report entitled "Rediscovering Our National Vision: Building Positive Self-Esteem and a Strong Work Ethic"; to the Committee on Labor and Human Resources.

EC-1981. A communication from the Executive Director of the National Council on Vocational Education, transmitting, pursuant to law, a summary of the proceedings and results from the Business, Industry, and Education Forum held by the National Council on Vocational Education on June 25, 1990; to the Committee on Labor and Human Resources.

EC-1982. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the fiscal year 1990 Low Income Home Energy Assistance Program; to the Committee on Labor and Human Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Special Report entitled "Lax Federal Enforcement of the Antidumping and Countervailing Duty Program" (Rept. No. 102-166).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 543. A bill to reform Federal deposit insurance, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions (Rept. No. 102-167).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without recommendation:

Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States (with additional and supplemental views) (Exec. Rept. No. 102-15).

#### 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. ADAMS (for himself, Ms. MIKULSKI, and Mr. DURENBERGER):

S. 1777. A bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BIDEN:

S. 1778. A bill to amend title 18, United States Code, to require the Bureau of Prisons to notify local law enforcement agencies of the release of Federal prisoners; to the Committee on the Judiciary.

By Mr. GLENN:

S. 1779. A bill to suspend temporarily the duties on certain chemicals; to the Committee on Finance.

S. 1780. A bill to amend the Harmonized Tariff Schedule of the United States to extend the suspension of the duties on certain bicycle parts, and for other purposes; to the Committee on Finance.

S. 1781. A bill to extend until January 1, 1995, the existing suspension of duty on certain umbrella frames; to the Committee on Finance.

S. 1782. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Finance.

S. 1783. A bill to extend the existing suspension of duty on mixed ortho/para-toluenesulfonamides; to the Committee on Finance.

S. 1784. A bill to extend until January 1, 1995, the existing temporary suspension of duty on umbrella frames; to the Committee on Finance.

S. 1785. A bill to suspend temporarily the duty on Diaphone V; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. PACKWOOD, Mr. MCCAIN, Mr. SYMMS, Mr. HATFIELD, Mr. CRANSTON, Mr. BINGAMAN, Mr. MACK, Mr. DURENBERGER, Mr. GRAHAM, Mr. SEYMOUR, Mr. BURNS, Mr. DOMENICI, Mr. SANFORD, and Mr. CRAIG):

S. 1786. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

By Mr. BREAU (for himself and Mr. KERRY):

S. 1787. A bill to amend the Internal Revenue Code of 1986 to encourage the sale of real property held by the Resolution Trust Corporation by allowing a credit against income tax to purchasers of such property; to the Committee on Finance.

By Mr. WIRTH (for himself, Mr. BROWN, Ms. MIKULSKI, and Mr. SARBANES):

S. 1788. A bill to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site; to the Committee on Rules and Administration.

By Mr. DURENBERGER (for himself, Mr. BURNS, Mr. DOLE, Mr. DOMENICI, Mr. ROTH, and Mr. LUGAR):

S. 1789. A bill to provide emergency unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. HATFIELD):

S. 1790. A bill to enhance America's global competitiveness by fostering a high skills, high quality, high performance workforce, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. DOMENICI, Mr. ROTH, Mr. LUGAR, Mr. GRAMM, Mr. DURENBERGER, and Mr. BURNS):

S. 1791. A bill to provide emergency unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S.J. Res. 207. Joint resolution to designate the period commencing on December 1, 1991, and ending on December 7, 1991, and the period commencing on November 29, 1992, and ending on December 5, 1992, each as "National Adoption Week"; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. GORE, Mr. MITCHELL, Mr. DOLE, Mr. ADAMS, Mr. BINGAMAN, Mr. BRADLEY, Mr. BRYAN, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DIXON, Mr. DURENBERGER, Mr. GLENN, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROTH, Mr. SANFORD, Mr. SASSER, Mr. SEYMOUR, Mr. SIMON, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, Mr. WOFFORD, and Mrs. KASSEBAUM):

S.J. Res. 208. Joint resolution to designate October 15, 1991, as "Up With People Day"; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. GRAHAM (for himself, Mr. MITCHELL, Mr. DODD, Mr. CRANSTON, Mr. DECONCINI, Mr. MACK, and Mr. LEAHY):

S. Res. 186. Resolution relative to Haiti; ordered held at the desk.

Mr. DECONCINI (for himself and Mr. D'AMATO):

S. Con. Res. 65. Concurrent resolution to express the sense of the Congress that the President should recognize Ukraine's independence; to the Committee on Foreign Relations.

Mr. LOTT:

S. Con. Res. 66. Concurrent resolution to express the sense of the Congress that any funds determined to be unnecessary for the defense of the United States should be applied directly to the economic defense of the American people by reducing the Federal deficit; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have thirty days to report or be discharged.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ADAMS (for himself, Ms. MIKULSKI, and Mr. DURENBERGER):

S. 1777. A bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; to the Committee on Labor and Human Resources.

##### BREAST CANCER SCREENING SAFETY ACT

Mr. ADAMS. Mr. President, October is Breast Cancer Awareness Month. This year, when the morning news shows do their stories, women across our Nation will learn that breast cancer strikes more women today than it did 5 years ago—or even just 2 years ago. In fact, breast cancer is the most common form of cancer in women.

Women will hear medical professionals admit that we don't know what causes breast cancer; we don't know why more women are getting breast cancer; and in an age of medical miracles, we don't know why more women are dying of breast cancer.

There is no question that more research must be done, and that more resources need to be directed toward understanding the causes and finding a cure for breast cancer. That is exactly why I joined Representative PAT SCHROEDER and the congressional caucus for women's issues last June to launch the five-part national breast cancer challenge.

When Dr. Samuel Broder, Director of the National Cancer Institute, came to Capitol Hill to accept the challenge, we gave him a commitment to provide funding to do the research necessary to understand the causes, reduce the mortality rate, and find a cure for breast cancer. That money, which will allow more research grants on breast cancer to be funded and will help attract some of the best researchers, has been included in a Senate appropriations bill.

But until the research is done, the best offense a woman has against breast cancer is early detection—regular breast exams and, after the age of 40, regular screening mammograms.

We know that early detection, through breast cancer screening and reliable mammograms, saves lives. Education and prevention programs, like those at the American Cancer Society or the National Cancer Institute, have produced very positive results: significantly more women are getting mammograms. We know that good, accurate mammograms are 85- to 95-percent successful in early cancer detection.

But what we can't be sure of is whether or not the mammogram a woman has is safe and accurate. As it is currently practiced, mammography has some serious problems. If the mammogram image quality is poor or the interpretation is faulty, cancerous le-

sions can be missed, delaying treatment, and resulting in unnecessary mastectomy or death.

Right now, there is no guarantee that the mammogram a woman receives is safe and accurate because there are no minimum Federal standards to assure the quality of screening mammography. Moreover, comprehensive State standards are virtually nonexistent—only 13 States have enacted legislation in the area of quality assurance.

And I'm not talking about hypothetical situations, I am talking about real women from all across the United States—women who are dying or fighting for their lives because their breast cancer went undetected because of poor quality mammograms.

I'm talking about women like Susan Everly, a social worker at Swedish Hospital Tumor Institute in Seattle. Susan works with cancer patients so she was no stranger to breast cancer or the need for regular screening mammograms. All things considered, Susan was one of the least likely candidates for receiving substandard medical care for cancer detection.

Nevertheless, the mammogram Susan had in 1990 was misdiagnosed by the radiologist. Because of her job, Susan knew to seek a second opinion. Susan has breast cancer, and is being successfully treated. But Susan also acknowledges that the story would be very different had she not known to get a second opinion.

I am here today, on the first day of Breast Cancer Awareness Month, to introduce legislation which would make sure that the mammogram a woman gets will have good image quality, limits the patient's dose of radiation, and is correctly interpreted.

For a mammogram to be safe and accurate, the test must be performed by a technician trained to take mammograms; the equipment must be well maintained, correctly calibrated, and designed for mammography; and the radiologist reading the mammogram must be specially trained to interpret these complex x rays. My bill will set standards for equipment and personnel taking, and reading, mammograms.

Of course, some facilities are better than others. We know this largely because some facilities have voluntarily met quality standards for accreditation established by the American College of Radiology in 1987. But by any standard, many mammography facilities are inadequate.

Only one-third of the mammography facilities in the United States—those that think they are the best—have applied for accreditation. And one-third of those have failed. Overall, about one in four mammography units has been accredited.

The unparalleled growth in the number of facilities offering mammography services makes the situation even worse. There are a record number of fa-

ilities in operation today—more than 10,000—and nobody knows about the quality of the machines, how they are maintained, or if they are used properly. Unreliable equipment is dangerous equipment.

And only nine States have personnel standards specifically for technicians dealing with mammography. An accurate mammogram requires highly skilled technologists because so much depends on proper positioning and image of the breast. The bill I am introducing today requires that only qualified individuals who meet State licensing requirements, or who have been appropriately trained and certified, perform mammograms.

The bill would also require that physicians, who read the mammogram, meet professional qualifications. These doctors must be certified by the appropriate medical board or by an accreditation body to interpret the results of the mammogram. Studies show that primary care physicians and multispecialty clinics have the lowest levels of compliance with quality-assurance standards. A mammogram is among the most difficult radiographic images to read.

The requirements of my legislation would apply wherever women get mammograms—whether it is in a hospital, at a radiology center, a breast clinic, a physician's office, or a mobile unit.

Breast cancer is a tragedy that can be prevented and treated successfully through early detection with screening mammography. A bad mammogram jeopardizes a woman's health. Only by establishing national quality standards for mammography can we prevent another generation of women from paying for bad mammograms with their lives.

I am very pleased to be joined today by Senators MIKULSKI and DURENBERGER as original cosponsors of my bill. I urge my colleagues to join us in supporting this life-saving legislation.

Mr. President, I ask unanimous consent that the text of the bill, and an analysis of the bill, be printed in the RECORD.

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

S. 1777

*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 "The Breast Cancer Screening Safety Act of 1991".

#### SEC. 2. CERTIFICATION OF MAMMOGRAPHY FACILITIES.

Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following new subpart:

"Subpart 3—Mammography Facilities

#### "SEC. 354. CERTIFICATION OF MAMMOGRAPHY FACILITIES.

"(a) DEFINITIONS.—As used in this section: "(1) ACCREDITATION BODY.—The term 'accreditation body' means a body that has

been approved by the Secretary under subsection (e)(2)(A) to accredit facilities.

"(2) CERTIFICATE.—The term 'certificate' means the certificate described in subsection (b)(1).

"(3) CERTIFIED FACILITY.—The term 'certified facility' means a facility to which the Secretary has issued and, if appropriate, renewed a certificate in accordance with subsection (c).

"(4) FACILITY.—The term 'facility' means a hospital outpatient department, clinic, radiology practice, or mobile unit, an office of a physician, or other facility, as determined by the Secretary, that conducts breast cancer screening or diagnosis through mammography for the diagnosis or further examination of cancerous or potentially cancerous breast tissue.

"(5) MAMMOGRAM.—The term 'mammogram' means a radiographic image produced through mammography.

"(6) MAMMOGRAPHY.—The term 'mammography' means radiography of the breast for the purpose of enabling a physician to determine the presence, size, location, and extent of cancerous or potentially cancerous breast tissue.

"(b) CERTIFICATE REQUIREMENT.—

"(1) CERTIFICATE.—No facility may conduct an examination or procedure described in paragraph (2) in performing mammography after December 31, 1993, unless the facility obtains a certificate—

"(A) that is issued and, if applicable, renewed by, the Secretary in accordance with subsection (c); and

"(B) that is applicable to the examination or procedure to be conducted.

"(2) EXAMINATION OR PROCEDURE.—A facility shall obtain a certificate in order to—

"(A) operate equipment that is used to image the breast in performing mammography and that has been sold or offered for sale in interstate commerce;

"(B) interpret a screening mammogram or diagnostic mammogram produced by the equipment;

"(C) perform needle localization or other procedures in which mammography equipment is used; or

"(D) inspect the equipment and conduct oversight of quality assurance practices at a facility with the equipment.

"(c) ISSUANCE AND RENEWAL OF CERTIFICATES.—

"(1) IN GENERAL.—The Secretary, acting through the Director for the Centers for Disease Control, may issue or renew a certificate for a facility if the person, entity, agent, or body described in subsection (d)(1) meets the applicable requirements of subsection (d) with respect to the facility.

"(2) TERM.—The Secretary may issue or renew a certificate under this section for not more than 2 years.

"(d) APPLICATION FOR CERTIFICATE.—The Secretary may issue or renew a certificate for a facility if—

"(1) the person or entity who owns or leases the facility or an authorized agent of the person, or, in the case of a facility accredited by an accreditation body under subsection (e), the accreditation body, submits to the Secretary, in such form and manner as the Secretary shall prescribe, an application that contains—

"(A) a description of the manufacturer, model, and type of each x-ray machine, image receptor, and processor operated in the performance of mammography at the facility;

"(B) a description of the procedures currently used to provide mammography, or

other procedures related to the detection of cancerous or potentially cancerous breast tissue, at the facility, including—

"(i) the number and types of procedures performed;

"(ii) the methodologies for mammography; and

"(iii) the qualifications (educational background, training, and experience) of the personnel performing radiological procedures, the medical physicist inspecting mammography equipment at the facility, and the physicians reading and interpreting the results from the procedures; and

"(C) in the case of a facility accredited under subsection (e), proof of accreditation and information indicating the basis for the accreditation; and

"(2) the person, entity, or agent submits to the Secretary—

"(A) a satisfactory assurance that the facility will be operated in accordance with standards established by the Secretary under subsection (f);

"(B) a satisfactory assurance that the facility will—

"(i) permit inspections by the Secretary under subsection (g);

"(ii) make such records and information available, and submit such reports, to the Secretary as the Secretary may reasonably require; and

"(iii) update the information submitted under paragraph (1) or (2) not later than 6 months after the date the information becomes incomplete or inaccurate; and

"(C) such other information as the Secretary may require.

"(e) ACCREDITATION.—

"(1) IN GENERAL.—The Secretary may consider a facility to be accredited for purposes of subsection (d)(1) if the facility—

"(A) meets the standards of an approved accreditation body; and

"(B) authorizes the accreditation body to submit to the Secretary (or such State agency as the Secretary may designate) such information as the Secretary may require.

"(2) APPROVAL OF ACCREDITATION BODIES.—

"(1) IN GENERAL.—The Secretary may approve a private nonprofit organization to accredit facilities for purposes of subsection (d)(1) if the accreditation body provides satisfactory assurances that the body will—

"(i) comply with the requirements described in paragraphs (4) and (5);

"(ii) submit to the Secretary the name of any facility for which the accreditation body denies, suspends, withdraws, or revokes accreditation, or against which the body takes any other action, within 30 days of the action;

"(iii) notify the Secretary at least 30 days before the accreditation body changes the standards of the body; and

"(iv) notify each facility accredited by the accreditation body if the Secretary withdraws approval of the accreditation body under paragraph (3), within 21 days of the withdrawal.

"(B) CRITERIA AND PROCEDURES.—The Secretary shall promulgate regulations under which the Secretary may approve an accreditation body.

"(3) WITHDRAWAL OF APPROVAL.—

"(A) IN GENERAL.—The Secretary shall promulgate standards under which the Secretary may withdraw the approval of an accreditation body if the Secretary determines that the accreditation body does not meet the requirements of clauses (i) through (iv) of paragraph (2)(A).

"(B) EFFECT OF WITHDRAWAL.—If the Secretary withdraws the approval of an accredi-

tation body under subparagraph (A), the certificate of any facility accredited by the body shall continue in effect until the date specified by the Secretary at the time the Secretary approves, under paragraph (2)(A), an accreditation body that may accredit the facility.

"(4) ACCREDITATION.—In determining whether or not to accredit a facility, an approved accreditation body shall—

"(A) inspect facilities using inspectors who the Secretary determines are qualified to evaluate the equipment used by the facilities in performing mammograms;

"(B) inspect facilities with such frequency as the Secretary may determine to be necessary; and

"(C) apply standards equal to or more stringent than the standards established by the Secretary under subsection (f).

"(5) COMPLIANCE.—An approved accreditation body shall take measures to ensure that facilities accredited by the body will continue to meet the standards of the accreditation body.

"(6) REVOCATION OF ACCREDITATION.—If an accreditation body withdraws or revokes the accreditation of a facility, the certificate of the facility shall continue in effect until the later of—

"(A) 90 days after the facility receives notice of the withdrawal or revocation of the accreditation; or

"(B) the effective date of any action taken by the Secretary under subsection (h) or (i).

"(7) EVALUATION AND REPORT.—

"(A) EVALUATION.—The Secretary shall evaluate annually the performance of each approved accreditation body by—

"(i) inspecting under subsection (g) a sufficient number of the facilities accredited by the body to allow a reasonable estimate of the performance of the body; and

"(ii) such additional means as the Secretary determines to be appropriate.

"(B) REPORT.—The Secretary shall annually prepare and submit to the appropriate committees of Congress, a report that describes the results of the evaluation conducted in accordance with subparagraph (A).

"(f) QUALITY STANDARDS.—

"(1) IN GENERAL.—The Secretary shall establish standards for facilities to assure the safety and accuracy of mammography, including—

"(A) standards that require establishment and maintenance of a quality assurance and quality control program that is adequate and appropriate to ensure the reliability, clarity, and accurate interpretation of radiologic images;

"(B) standards that require use of radiological equipment specifically designed for mammography, including radiologic standards;

"(C) a requirement that personnel who perform mammograms be—

"(i) licensed by a State to perform radiological procedures; or

"(ii) certified as qualified to perform radiological procedures as described in paragraph (3)(A);

"(D) minimum training and performance standards for personnel who perform mammograms;

"(E) a requirement that mammograms be interpreted by a physician who is certified as qualified to interpret screening mammography procedures by—

"(i) a board described in paragraph (3)(B); or

"(ii) a program that complies with the standards described in paragraph (3)(C);

"(F) requirements that—

"(i) a facility that performs the original mammogram and the first screening mammogram of a woman maintain the mammograms in the permanent medical records of the woman; and

"(ii) a facility that performs any mammogram maintain the mammogram for not less than 5 years; and

"(G) a requirement that a medical physicist who is qualified in mammography and certified by a board described in paragraph (3)(D) perform an annual inspection of screening mammography equipment and oversight of quality assurance practices at each facility.

"(2) CONSIDERATIONS.—In developing standards under paragraph (1), the Secretary shall consider—

"(A) standards issued by the American College of Radiology;

"(B) the examinations and procedures performed and the methodologies employed by facilities, including—

"(i) monitoring repeat mammograms;

"(ii) submitting mammograms to peer review panels for second readings;

"(iii) performing a second reading within the facility; and

"(iv) following up patient biopsies;

"(C) the complexity of the process for performing mammograms;

"(D) the degree of independent judgment involved in performing mammograms;

"(E) the calibration and quality control requirements of the radiological equipment used, including image quality and dose;

"(F) the difficulty in reading and interpreting mammogram results;

"(G) the value of a requirement for physical consultation at the facility, independent of the regulatory inspection process described in subsection (g); and

"(H) such other factors as the Secretary considers relevant.

"(3) CERTIFICATION OF PERSONNEL.—The Secretary shall by regulation—

"(A) specify organizations eligible to certify individuals to perform radiological procedures;

"(B) specify boards eligible to certify individuals to interpret screening mammograms;

"(C) establish standards regarding the qualifications for individuals described in subparagraph (B) for programs certifying the individuals; and

"(D) specify boards eligible to certify individuals qualified to inspect screening mammography equipment and to oversee quality assurance practices at mammography facilities.

"(g) INSPECTIONS.—

"(1) IN GENERAL.—The Secretary may enter and inspect certified facilities to determine compliance with the standards established under subsection (f).

"(2) TIMING.—The Secretary may conduct announced or unannounced inspections during the regular hours of operation of the facilities.

"(3) IDENTIFICATION.—The Secretary may conduct inspections only on presenting identification to the owner, operator, or agent in charge of the facility to be inspected.

"(4) SCOPE OF INSPECTION.—In conducting inspections, the Secretary—

"(A) shall have access to all equipment, materials, records, and information that the Secretary considers necessary to determine whether the facility is being operated in accordance with this section; and

"(B) may copy, or require the facility to submit to the Secretary, any of the materials, records, or information.

"(5) ELEMENTS OF INSPECTION.—All inspections shall include an inspection of the beam

quality, average glandular dose, and phantom image quality of the mammography system, and other features as determined by the Secretary.

"(6) QUALIFICATIONS OF INSPECTORS.—Qualified radiological physicists shall conduct all inspections. The Secretary may designate a Federal officer or employee to conduct inspections, or request that a State designate an officer or employee to conduct the inspections.

"(7) FREQUENCY.—The Secretary shall conduct inspections of certified facilities not less often than annually.

"(8) RECORDS OF INSPECTIONS.—Each facility shall maintain records of an inspection for not less than 7 years after the date of the inspection.

"(h) INTERMEDIATE SANCTIONS.—

"(1) IN GENERAL.—The Secretary may impose sanctions under this subsection in lieu of the actions authorized by subsection (i) if a facility receives notification—

"(A) that the Secretary has determined that the facility is not in compliance with the standards established under subsection (f) or the requirements described in clauses (i) through (iii) of subsection (d)(2)(B), in the case of a facility accredited by an accreditation body from which the Secretary has withdrawn approval under subsection (e)(3); or

"(B) that the accreditation body that accredited the facility under subsection (e) has withdrawn or revoked the accreditation of the facility.

"(2) TIMING.—The Secretary may not impose sanctions under this subsection until the Secretary determines, not earlier than 60 days after the date of the notification described in subparagraph (A), that a certified facility has failed to take corrective action to bring the facility into substantial compliance with the standards or the requirements, as appropriate.

"(3) TYPES OF INTERMEDIATE SANCTIONS.—The Secretary may impose sanctions under this subsection consisting of—

"(A) directed plans of correction;

"(B) civil money penalties in an amount not to exceed \$10,000 for each failure to substantially comply with, or each day on which a facility fails to substantially comply with, the standards established under subsection (f) or the requirements described in clauses (i) through (iii) of subsection (d)(2)(B); or

"(C) payment for the cost of onsite monitoring.

"(4) PROCEDURES.—The Secretary shall develop and implement procedures under which the Secretary may impose intermediate sanctions under this subsection. The procedures shall—

"(A) specify the time and the manner in which the Secretary may impose sanctions;

"(B) provide for notice to the owner or operator of the facility;

"(C) provide a reasonable opportunity for the owner or operator to respond to the proposed sanction; and

"(D) include appropriate procedures for appealing determinations relating to the imposition of intermediate sanctions.

"(i) SUSPENSION, REVOCATION, AND LIMITATION.—

"(1) IN GENERAL.—The certificate of a facility issued under this section may be suspended, revoked, or limited if the Secretary finds, after providing, except as provided in paragraph (2), reasonable notice and an opportunity for a hearing to the owner or operator of the facility, that the owner, operator, or any employee of the facility—

"(A) has been guilty of misrepresentation in obtaining the certificate;

"(B) has performed, or represented the facility as entitled to perform, a type of examination or procedure described in subparagraphs (A) through (C) of subsection (b)(2) that is outside the scope of the certificate for the facility;

"(C) has failed to comply with the requirements of subsection (d)(2)(B)(iii) or the standards established by the Secretary under subsection (f);

"(D) has failed to comply with reasonable requests of the Secretary for any record, information, report, or material that the Secretary concludes is necessary to determine the continued eligibility of the facility for a certificate or continued compliance with the standards established under subsection (f);

"(E) has refused a reasonable request of the Secretary, any Federal officer or employee duly designated by the Secretary, or any State officer or employee duly designated by the State, for permission to inspect the facility or the operations and pertinent records of the facility in accordance with subsection (g);

"(F) has violated or aided and abetted in the violation of any provision of, or regulation promulgated under, this section; or

"(G) has failed to comply with an intermediate sanction imposed under subsection (h).

"(2) ACTION BEFORE A HEARING.—

"(A) IN GENERAL.—The Secretary may suspend or limit the certificate of the facility before holding a hearing required by paragraph (1) if the Secretary makes the finding described in paragraph (1) and determines that—

"(i) the failure of a facility to comply with the standards established by the Secretary under subsection (f) presents an imminent and serious risk to human health; or

"(ii) a facility has engaged in an action described in subparagraph (D) or (E) of paragraph (1).

"(B) HEARING.—If the Secretary suspends or limits a certificate under subparagraph (A), the Secretary shall provide an opportunity for a hearing to the owner or operator of the facility not later than 60 days from the effective date of the suspension or limitation. The suspension or limitation shall remain in effect until the decision of the Secretary made after the hearing.

"(3) INELIGIBILITY TO OWN OR OPERATE FACILITIES AFTER REVOCATION.—If the Secretary revokes the certificate of a facility on the basis of an act described in paragraph (1), no person who owned or operated the facility at the time of the act may, within 2 years of the revocation of the certificate, own or operate a facility that requires a certificate under this section.

"(j) INJUNCTIONS.—If the Secretary determines that continuation of any activity related to the provision of mammography by a facility would constitute a significant hazard to the public health, the Secretary may bring suit in the district court of the United States for the district in which the facility is situated to enjoin continuation of the activity. Upon a proper showing, the district court shall grant a temporary injunction or restraining order against continuation of the activity without requiring the Secretary to post a bond, pending issuance of a final order under this subsection.

"(k) JUDICIAL REVIEW.—

"(1) PETITION.—If the Secretary imposes an intermediate sanction on a facility under subsection (h) or suspends, revokes, or limits the certificate of a facility under subsection (i), the owner or operator of the facility may, not later than 60 days after the date the ac-

tion of the Secretary becomes final, file a petition with the United States court of appeals for the circuit in which the facility is situated for judicial review of the action. As soon as practicable after receipt of the petition, the clerk of the court shall transmit a copy of the petition to the Secretary or other officer designated by the Secretary. As soon as practicable after receipt of the copy, the Secretary shall file in the court the record on which the action of the Secretary is based, as provided in section 2112 of title 28, United States Code.

"(2) ADDITIONAL EVIDENCE.—If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order the additional evidence (and evidence in rebuttal of the additional evidence) to be taken before the Secretary, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may determine to be proper. The Secretary may modify the findings of the Secretary as to the facts, or make new findings, by reason of the additional evidence so taken, and the Secretary shall file the modified or new findings, and the recommendations of the Secretary, if any, for the modification or setting aside of the original action of the Secretary with the return of the additional evidence.

"(3) JUDGMENT OF COURT.—Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to affirm the action, or to set the action aside in whole or in part, temporarily or permanently. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive.

"(4) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

"(1) SANCTIONS.—Any person who intentionally violates any requirement of this section or any regulation promulgated under this section—

"(1) shall be imprisoned for not more than 1 year or fined in accordance with title 18, United States Code, or both; and

"(2) for a second or subsequent offense shall be imprisoned for not more than 3 years or fined in accordance with title 18, United States Code, or both.

"(m) FEES.—

"(1) CERTIFICATE FEES.—The Secretary shall require payment of fees for the issuance and renewal of certificates.

"(2) ADDITIONAL FEES.—The Secretary shall require the payment of fees for inspections of facilities that were accredited by accreditation bodies from whom the Secretary withdrew approval under subsection (e)(3).

"(3) CRITERIA.—

"(A) CERTIFICATE FEES.—Fees imposed under paragraph (1) shall be sufficient to cover the general costs of administering this section except for costs described in subparagraph (B), including—

"(i) evaluating and monitoring quality assurance and quality control programs;

"(ii) excluding and monitoring accreditation bodies; and

"(iii) monitoring compliance with the requirements of this section.

"(B) ADDITIONAL FEES.—Fees imposed under paragraph (2) shall be sufficient to

cover the cost of the Secretary in carrying out the inspections.

"(n) INFORMATION.—

"(1) IN GENERAL.—Not later than April 1, 1994, and annually thereafter, the Secretary shall compile and make available to physicians and the general public information that the Secretary determines is useful in evaluating the performance of a facility, including a list of facilities—

"(A) that have been convicted under Federal or State laws relating to fraud and abuse, false billings, or kickbacks;

"(B) that have been subject to intermediate sanctions under subsection (h), together with a statement of the reasons for the sanctions;

"(C) that have had certificates revoked, suspended, or limited under subsection (i), together with a statement of the reasons for the revocation, suspension, or limitation;

"(D) against which the Secretary has taken action under subsection (j), together with a statement of the reasons for the action;

"(E) that have been the subject of a sanction under subsection (l), together with a statement of the reasons for the sanction; and

"(F) whose accreditation has been withdrawn or revoked, together with a statement of the reasons of the withdrawal or revocation.

"(2) DATE.—The information to be compiled under paragraph (1) shall be information for the calendar year preceding the date the information is to be made available to the public.

"(3) EXPLANATORY INFORMATION.—The information to be compiled under paragraph (1) shall be accompanied by such explanatory information as may be appropriate to assist in the interpretation of the information compiled under the paragraph.

"(o) DELEGATION.—In carrying out this section, the Secretary may enter into an agreement with a Federal, State, or local public agency or nonprofit private organization, use the services or facilities of the agency or nonprofit private organization, and pay for the services or use of facilities in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(p) STATE AND LOCAL LAWS.—

"(1) CONSISTENT LAWS.—Except as provided in paragraph (2), nothing in this section shall be construed as affecting the power of any State or locality to enact and enforce laws relating to the matters covered by this section to the extent that the laws are not inconsistent with this section or with the regulations issued under this section.

"(2) MORE STRINGENT LAWS.—If a State or locality enacts laws relating to matters covered by this section that provide for requirements equal to or more stringent than the requirements of this section or than the regulations issued under this section, the Secretary may exempt facilities in that State or locality from compliance with this section.

"(q) MAMMOGRAPHY REGISTRY.—

"(1) RESEARCH.—

"(A) ESTABLISHMENT OF GRANTS.—The Secretary shall make grants to such entities as the Secretary may determine to be appropriate to conduct research on new methods of establishing a Mammography Registry, including archiving and retrieval of mammography images, physician reports, and outcome and followup information.

"(B) USE OF FUNDS.—Grants awarded under subparagraph (A) may be used—

"(i) to study—

"(I) improved methods of mammography film duplication, centralized digital

archiving, and individual patient archiving in a Mammography Registry; and

"(II) mechanisms for limiting access and maintaining confidentiality of all stored data; and

"(i) to conduct pilot testing of the methods and mechanisms described in subclauses (I) and (II) of clause (i) on a limited basis.

"(C) GRANT APPLICATION.—To be eligible to receive funds under this paragraph, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(D) REPORT.—A recipient of a grant under this paragraph shall submit a report to the Secretary containing the results of the study and testing conducted under clauses (i) and (ii) of subparagraph (B), along with recommendations for methods of establishing a Mammography Registry.

"(2) ESTABLISHMENT.—The Secretary shall establish a Mammography Registry based on the recommendations contained in the report described in paragraph (1)(D).

"(3) STANDARDS AND PROCEDURES.—The Secretary shall establish standards and procedures for the operation of the Mammography Registry, including procedures to maintain confidentiality of patient records.

"(4) INFORMATION.—The Secretary may require that facilities provide to the Mammography Registry relevant data that could help in the research of the causes, characteristics, and prevalence of, and potential treatments for, breast cancer and benign breast conditions, if the information may be disclosed under section 552 of title 5, United States Code. The data may include information on patients relating to age, race, geographic location, type of breast cancer and benign breast conditions, family history, occupational hazards, other medical conditions, uses of mammographic images, estrogen replacement, use of oral contraception, number of conceptions or births, and age of the patient at each conception or birth.

**"SEC. 354A. BREAST CANCER MORTALITY PREVENTION REGIONAL TRAINING CENTERS.**

"(a) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to State health departments and other public and nonprofit entities with similar capabilities to enhance the capacity of health personnel in the area of breast cancer mortality prevention.

"(b) USE OF FUNDS.—A department or entity may use a grant received under subsection (a) to establish a breast cancer mortality prevention regional training center and develop a training curriculum, which shall include emphasis on the design, delivery, and management of comprehensive breast cancer programs, including in particular an emphasis on screening, follow-up, public education, professional education, quality assurance, and surveillance and evaluation.

"(c) APPLICATION.—In order to be eligible to receive a grant under subsection (a), a department or entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

"(d) COLLABORATION.—The Secretary shall encourage departments and entities that receive grants under subsection (a) to collaborate with academic institutions, comprehensive cancer centers, and other groups in the design, formulation, and delivery of training programs.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section \$5,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 and 1995."

**SEC. 3. APPLICATION OF STANDARDS TO MEDICAL CARE PROGRAM.**

(a) IN GENERAL.—Section 1834(c)(3) of the Social Security Act (42 U.S.C. 1395m(c)(3)), as added by section 4163 of the Omnibus Budget Reconciliation Act of 1990, is amended to read as follows:

"(3) QUALITY STANDARDS.—Screening mammography performed under this part shall be performed—

"(A) at a certified facility, as defined in section 354(a)(2) of the Public Health Service Act, that is in compliance with the requirements described in clauses (i) through (iii) of section 354(d)(2)(B) of such Act; and

"(B) in accordance with the standards established under section 354(f) of such Act."

(b) CONFORMING AMENDMENTS.—

(1) Section 1862(a)(1)(F) of the Social Security Act (42 U.S.C. 1395y(a)(1)(F)) is amended by striking "established under section 1834(c)(3)" and inserting "described in section 1834(c)(3)".

(2) Section 1863 of the Social Security Act (42 U.S.C. 1395z) is amended by striking "established under section 1834(c)(3)" and inserting "described in section 1834(c)(3)".

(3) The first sentence of section 1864(a) of the Social Security Act (42 U.S.C. 1395aa(a)) is amended by striking "established under section 1834(c)(3)" and inserting "described in section 1834(c)(3)".

**ANALYSIS OF BREAST CANCER SCREENING SAFETY ACT OF 1991**

Title: The bill is entitled "Breast Cancer Screening Safety Act of 1991."

Certificate: After December 31, 1993, no facility may conduct a mammogram without a certificate issued by the Secretary of the Department of Health and Human Services. Each certificate is valid for a period of 2 years and is renewable.

A facility must provide assurances that it meets the standards for quality in the areas of equipment, personnel, and quality control established by the Secretary in order to receive a certificate. A facility may apply directly to the Secretary for a certificate, or if the facility is accredited by an approved accreditation body, the accreditation body may submit the application on behalf of the facility to the Secretary.

The Secretary will prescribe the manner of applying for a certificate for facilities.

Examinations and Procedures: Certificates will be issued to facilities in order for facilities to operate equipment in performing mammography, interpretation of screenings, performance of needle localization, and for on-going quality control procedures.

Accreditation: A mammography facility may receive accreditation from an accreditation body that has been approved by the Secretary. The accreditation body may submit the application for certification on behalf of the facility. Accreditation bodies shall assist facilities in meeting—at a minimum—the quality standards established by the Secretary.

Accreditation bodies may inspect facilities on behalf of the Secretary to determine if the facilities are in compliance with the standards set by the Secretary.

The Secretary shall evaluate annually the performance of accreditation bodies. In the event that approval of an accreditation body is withdrawn, the certificate will remain in effect for 60 days following notice of withdrawal.

Federal Standards: The Secretary shall establish federal quality standards for mam-

mography facilities, including quality of equipment and personnel. In developing standards, the Secretary shall consult with the American College of Radiology.

Certification of Personnel: The Secretary, by regulation, shall identify the organizations and boards that may certify individuals to perform radiological procedures, to interpret screening mammograms, and to inspect equipment. The Secretary will also establish qualification standards.

Inspections: The Secretary shall conduct inspections of certified facilities, announced or unannounced, at least once a year. Each facility shall maintain records of inspections for a minimum of 7 years.

Intermediate Sanctions: If the Secretary determines that a facility has not complied with federal standards, or if the approval of an accreditation body is withdrawn or revoked, the Secretary may impose intermediate sanctions. Such sanctions will be imposed not earlier than 90 days after notification of noncompliance with standards or withdrawal or revocation of accreditation approval.

Intermediate sanctions include a directed plan or correction; civil damages not to exceed \$10,000 for each failure or each day of noncompliance; or payment for the cost of onsite monitoring.

Suspension, Revocation, Limitation of Certificate: The Secretary may suspend, revoke, or limit a certificate, if after reasonable notice and opportunity for a hearing, the facility has misrepresented information, failed to comply with standards, failed to comply with the Secretary's requests, or has refused a reasonable request of a federal officer or of the Secretary.

Injunctions: If the Secretary determines that the activity of a facility constitutes a significant health hazard to the public, the Secretary may bring suit in federal district court to enjoin the continuation of that activity.

Appeals: An owner or operator of a facility may file an appeal in U.S. Court of Appeals of judicial review of the imposition of an intermediate sanction.

Criminal Sanctions: It will be a criminal offense to intentionally violate any provision of this Act or accompanying regulations. Sanctions will include imprisonment for not more than one year, or in the event of a second offense, for not more than 3 years.

Fees: The Secretary shall require fees for certificates and inspection if they lead to a withdrawal of approval.

Information: No later than April 1, 1994 and annually thereafter, the Secretary will compile and make available to physicians and the general public information for evaluating facilities, including a list of facilities with revoked, suspended or limited certificates, those subject to sanctions, withdrawn or revoked accreditation.

State or local law: This Act shall not affect the power of any state or locality to enact and enforce laws consistent with this Act. If a State or locality enacts a more stringent law, the Secretary may exempt the facilities in that state or locality with compliance with this Act.

Research Grants: The Secretary will make grants to entities to conduct research on new methods of establishing a Mammography Registry, including mammography images, physician reports, outcome and follow-up information. Grants may be used to improve methods of film duplication, archiving, access and confidentiality of data, and pilot testing.

Grant recipients must report to the Secretary results of studies and tests along with recommendations for establishing a Mammography Registry.

**Information to Registry:** The Secretary may require facilities to provide data to the Registry that will assist research of the causes, characteristics, prevalence of, and potential treatments for breast cancer.

**Training Centers:** The Secretary, acting through the Director of the Centers for Disease Control, may make grants to state health departments and other public and nonprofit entities with similar capabilities to establish breast cancer mortality prevention regional training centers and to develop training curriculum. Grant recipients shall be encouraged to collaborate with academic institutions, comprehensive cancer centers, and other groups in the design, formulation, and delivery of training programs.

**Medicare:** The Social Security Act will be amended so that screening mammography at a certified facility complies with this Act.

• **Ms. MIKULSKI.** Mr. President, today I rise to add my support to the Breast Cancer Screening Safety Act of 1991. This is an important piece of legislation to women and families all over America.

Mr. President, women in America are getting the message that they should have regular mammograms to protect themselves from breast cancer, but women are dying when mammograms are misread and poorly performed by untrained personnel.

Three years ago, Senators ADAMS, LEVIN, COHEN, and I set out to fix the abuse and neglect Americans were facing with their clinical lab tests. These problems were serious. People were dying because of misread Pap smears and inadequate oversight of a money-making medical industry.

Today, these same problems are showing up throughout the country in mammography facilities. Women are dying and disfigured because of poorly performed mammograms. We don't know how many of the 44,000 deaths from breast cancer could have been avoided by assuring that every mammogram is a quality mammogram, but even one is one too many. These tragedies must be stopped.

I am happy to report that medical insurance coverage is more broadly available for mammograms than it used to be. In my State of Maryland, all State-regulated insurers, as well as Medicaid and Medicare, must pay for quality mammograms.

I am also pleased that in 1990 the Breast and Cervical Cancer Mortality Prevention Act, a bill I introduced, was signed into law. This law provides States with grants to educate physicians and the public about breast and cervical cancer, how to treat them and how to detect them. It also provides money for States to set up breast and cervical cancer screening programs for women who do not have access to medical services.

Mr. President, we are on the way to success in getting more funds this year for breast cancer research. These funds

will open the doors to better treatments and better screening.

But we still need to be doing more to make women's health care accurate, affordable, and accessible. We still have a lot of work to do to ensure that all mammograms are accurate. A bad mammogram is worse than none at all. It gives you a false sense of security, when in fact, serious, and even deadly, problems may go undetected.

We must protect women and those who care about them from the horrors of a misread, poorly performed mammogram. Our bill would accomplish this for all women throughout the country.

First, this legislation will set acceptable standards for equipment and personnel. These standards are similar to those in place under Medicare, and those recommended by the American College of Radiology.

Second, this legislation will establish an oversight system for outside verification of mammography facilities. Outside verification is the best way to make sure that facilities are keeping up with the standards that are being set.

We did pass Medicare mammogram standards last year as part of the 1990 Omnibus Budget Reconciliation Act. This was a good first step to getting a minimum standard of acceptable practice throughout the country. But it only applies to facilities that want Medicare to pay for the mammogram.

Some States, including Maryland, have also taken some steps in passing laws that make sure mammograms are safe and accurate. But why should women in all the other States go without these basic protections? Why should they suffer, and even die, because the equipment or personnel that are used for the mammogram are not adequate? These gaps are unacceptable and this bill will fill these gaps.

I am pleased to support this bill to protect women and urge my colleagues to join Senator ADAMS, Senator DURENBERGER, and me in cosponsoring this important improvement to women's health. •

#### BREAST CANCER SCREENING SAFETY ACT OF 1991

**Mr. DURENBERGER.** Mr. President, I am pleased to join my colleagues, Senators ADAMS and MIKULSKI in introducing the Breast Cancer Screening Safety Act of 1991. This legislation will provide uniform standards for the performance of mammography services and should therefore improve the chances of survival for many women in America.

Thanks to increased openness in discussing the disease, Americans are more aware than ever that breast cancer is a disease that—with early detection and proper treatment—can be survived. In fact, millions of American

women are living today who have had breast cancer.

Despite the improved survival rates, there is much more to be done. The American Cancer Society has estimated that 175,000 women will be diagnosed with breast cancer this year. These women need a source of optimism and hope. And, these women need the assurance that the services available to them are of the highest quality. When a woman's life is at stake, there is no acceptable margin of error.

At present, the best method known to reduce breast cancer mortality is early detection. Early detection permits treatment that greatly increases the chance for survival. Mammography, an x ray of the breast, is the most effective method in the detection of early stage breast cancer.

Where a service such as screening mammography has life saving potential, I believe it is our responsibility to ensure that it is the highest quality possible. However, this is not the case for all mammographies.

The General Accounting Office has found that where professional groups have established quality standards to guide screening facilities, the standards are not uniformly followed, and image quality and dose vary widely in current mammography practice. That is why we are introducing this legislation requiring the Secretary to develop national quality standards for all mammography facilities in the area of equipment, personnel, oversight, quality control, and enforcement.

#### WOMEN'S HEALTH PROMOTION PROGRAM

• **Mr. DURENBERGER.** Mr. President, in Minnesota and throughout the Nation, October has been declared Breast Cancer Awareness Month. In recognition of this important declaration, I would like to take this opportunity to commend a wonderful program in my home State of Minnesota. The Minneapolis YWCA ENCORE/Women's Health Promotion Program is a model breast cancer information program designed to meet women's physical and emotional needs.

In 1990, 100 women received ongoing program services and more than 800 participated in community outreach programs. The program includes activities such as exercise sessions, group discussions, and outreach programs. Most importantly—the program is a source of information—and information is the key to recovery and early detection.

Still today, far too many women who have had breast cancer remain isolated due to lack of information about existing resources. Women need to know about this disease and to be encouraged to seek early diagnosis and women that have had breast cancer need to know about resources available to them.

The Minneapolis YWCA has planned a schedule of events that focus on early detection and support. One event, scheduled for October 1 is called "Celebrating Life and Laughter: An Evening for Breast Cancer Survivors." I am grateful to know that there are survivors, and I am grateful to know that there is an opportunity to celebrate.

Mr. President, it is my hope that every State will adopt a program similar to that offered by the Minneapolis YWCA ENCORE/Women's Health Promotion. Such programs enhance the quality of life for all women in this country. •

By Mr. BIDEN:

S. 1778. A bill to amend title 18, United States Code, to require the Bureau of Prisons to notify local law enforcement agencies of the release of Federal prisoners; to the Committee on the Judiciary.

NOTIFICATION OF RELEASE OF FEDERAL PRISONERS

• Mr. BIDEN. Mr. President, today I am introducing legislation that will provide local law enforcement agencies with critical information they need to keep our streets and communities safe from dangerous criminals.

This legislation will require Federal officials to notify local law enforcement officers when any prisoner convicted of a violent crime is released from Federal prison on probation, parole, or supervised release. At the present time, notification regarding the release of violent criminals occurs sporadically and inconsistently. The U.S. Parole Commission has delegated the discretion to inform local authorities of the release of Federal offenders to the chief U.S. probation officer in the district where a prisoner is released. This bill eliminates that discretion, requiring notification in all cases involving the release of violent criminals.

The need for mandatory release notification came to my attention recently through the case of Mr. James Allen Red Dog. After serving 12 years in Federal prison for armed robbery, Mr. Red Dog was paroled to Wilmington, DE, where he allegedly murdered a man, and kidnapped and repeatedly raped a woman. By his own admission, Mr. Red Dog shared involvement in four murders before being released in Delaware. He had been cited twice for violating parole, including one firearm offense. Regardless of whether Mr. Red Dog committed the offenses for which he has been arrested—an issue that will be properly decided at trial—local authorities should have been notified of his release.

Surprisingly, local authorities were never told that Mr. Red Dog had been released in Delaware. Despite the pattern of violence indicated in his record, despite the danger that his presence posed to public safety in Delaware,

there was no requirement that local law enforcement officials be informed of Mr. Red Dog's release. This bill will change this.

A greater degree of coordination between Federal authorities and local law enforcement officials should help enhance the preventive capabilities of law enforcement. This legislation will provide a critical link between prison officials and law enforcement authorities, giving local police important information about the location of potentially dangerous criminals.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1778

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

SECTION 1. NOTIFICATION OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) APPLICATION OF SECTION.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1), by—

(A) striking "Provide" and inserting "provide"; and

(B) striking the period at the end thereof and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1), the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1), the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the state and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

"(B) a crime of violence, as that term is defined in section 924(c)(3)."

SEC. 2. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.

In the case of a prisoner convicted of an offense committed prior to November 1, 1987,

the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole. •

By Mr. GLENN:

S. 1779. A bill to suspend temporarily the duties on certain chemicals; to the Committee on Finance.

S. 1780. A bill to amend the Harmonized Tariff Schedule of the United States to extend the suspension of the duties on certain bicycle parts, and for other purposes; to the Committee on Finance.

S. 1781. A bill to extend until January 1, 1995, the existing suspension of duty on certain umbrella frames; to the Committee on Finance.

S. 1782. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Finance.

S. 1783. A bill to extend the existing suspension of duty on mixed ortho/para-toluenesulfonamides; to the Committee on Finance.

S. 1784. A bill to extend until January 1, 1995, the existing temporary suspension of duty on umbrella frames; to the Committee on Finance.

S. 1785. A bill to suspend temporarily the duty on Diaphone V; to the Committee on Finance.

SUSPENSION OF CERTAIN DUTIES

• Mr. GLENN. Mr. President, I rise today to introduce a series of bills which either suspend the duty imposed on certain items or extend previously enacted duty suspensions, where there are no U.S. manufacturers for those items.

Specifically, two bills create new duty suspensions, one for Diaphone V, a catalyst used in plating tin, the other for four chemicals used as drug ingredients. The remaining bills extend existing duty suspensions, which would otherwise expire in 1992, for certain bicycle parts, hand-held umbrella frames, self-folding telescopic-shaft collapsible umbrellas, several chemicals used as drug ingredients, and mixed ortho/para-toluene-sulfonamide, a substance used mostly in fluorescent pigments and decorative laminates.

While this might appear to be an odd collection of products, they share a fundamental characteristic: There is no U.S. manufacturer for any of these products. The absence of U.S. manufacturers makes the imposition of duties on these products not only unnecessary because there are no U.S. industries to protect, but it also makes these items and any end products incorporating these items more expensive. Moreover, that extra cost is likely passed along to consumers in the form of higher prices. As a result, imposing a duty on these items does not make sense.

Duty suspensions are specifically designed to eliminate this unnecessary cost and its ensuing deleterious effect on competitiveness where no legitimate industry protection purpose is

served by imposing a duty. I submit, Mr. President, that no purpose is served by making these items dutiable. Furthermore, these bills should be considered noncontroversial because no U.S. manufacturers would be affected by these suspensions.

Consequently, I ask my colleagues to join me in supporting the duty suspensions for the products named in these bills.●

By Mr. BAUCUS (for himself, Mr. PACKWOOD, Mr. McCAIN, Mr. SYMMS, Mr. HATFIELD, Mr. CRANSTON, Mr. BINGAMAN, Mr. MACK, Mr. DURENBERGER, Mr. GRAHAM, Mr. SEYMOUR, Mr. BURNS, Mr. DOMENICI, Mr. SANFORD, and Mr. CRAIG):

S. 1786. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

SEMICONDUCTOR INVESTMENT ACT OF 1991

● Mr. BAUCUS. Mr. President, today I am introducing the Semiconductor Investment Act of 1991—legislation which would enhance the international competitiveness of the U.S. semiconductor industry. This bill would shorten the depreciable life of semiconductor manufacturing equipment to more realistically reflect the rapid pace of technological change in this industry. This seemingly simple change would make it much easier for U.S. semiconductor manufacturers to make the capital investment needed to maintain state-of-the-art facilities, and to keep the United States competitive in this critical technology.

Let there be no doubt about the importance of a vibrant American semiconductor industry. Semiconductors have appeared on every list of critical technologies, whether the list is drafted in Washington, Brussels, or Tokyo. It is easy to understand why. They are the brains behind most modern equipment. Furthermore, the industry is as fast paced as it is important. The rate of technological progress has been and will continue to be, with the aid of this legislation, outstanding. The new generation of process technology is currently a 3-year cycle. The semiconductor equipment needed to realize this technology is a corresponding 3-year cycle. By the year 2000, with the reduction in size dimension that the foregoing equipment can provide, semiconductors may have up to 10 billion transistors, and have all the processing power of one of today's leading-edge supercomputers on a single chip.

In this industry, what is cutting-edge equipment and manufacturing processes one day may be obsolete within months. The economic value of semiconductor manufacturing equipment, whether it is optical wafer steppers, diffusion furnaces, or chemical vapor deposition equipment, is typically de-

pleted within a year or two after being introduced. We need tax laws that reflect this reality, so that the American industry can invest in the latest generation equipment and take full advantage of the improvements in semiconductor technology.

Mr. President, this legislation makes sense from both a tax and a public policy perspective.

Under the current tax law, semiconductor manufacturing equipment is depreciated over 5 years. Special rules allow this 5-year depreciation both for the regular income tax and the alternative minimum tax. This legislation would grant 3-year depreciation to this equipment to more accurately reflect the lost economic value that results from the industry's rapid technological change. This 3-year depreciation would apply to both regular tax and alternative minimum tax purposes.

This legislation would help U.S. semiconductor companies regain lost market share. In the last 9 years, our share of this important market declined from 57 percent to 40 percent, while Japan's increased from 32 percent to 47 percent. Unless we change course, it is likely that this trend will continue. Between 1990 and 1995, the Japanese industry is expected to invest \$15 billion more than the U.S. semiconductor industry in capital formation. If we do nothing to close this gap, the U.S. semiconductor industry is projected to lose another five points of market share.

We can't afford to let this happen. The Defense Science Board, an advisory committee to the Pentagon, has concluded that a further erosion of the U.S. position in semiconductors would endanger America's national security. Semiconductors are essential to modern defense capabilities, from smart munitions, electronic countermeasure and target recognition to advanced avionics.

Three-year depreciation also is one of the principal recommendations of the National Advisory Committee on Semiconductors. The NACS, comprised of both Government and industry officials, was established by Congress in 1988 to develop a national semiconductor strategy. The committee concluded this year that the gap between United States and Japanese capital spending was one of the most serious problems facing the industry, and that 3-year depreciation would help to close this gap.

The bill also would help level the playing field between the U.S. industry and its foreign competitors. Japan, for example, has a wide range of tax incentives for its semiconductor industry. In addition to their already accelerated depreciation system, Japanese companies qualify for additional depreciation if they operate their facilities for more than 8 hours a day. This is a significant advantage, given that most semiconductor manufacturing facilities are

used 24 hours per day. Furthermore, Japanese semiconductor companies also benefit from incentives for investment in specific regions.

If we fail to act, a lot more is at stake than the health of the U.S. semiconductor industry. As the National Advisory Committee on Semiconductors has noted, "the \$50 billion world chip industry leverages a \$750-billion global market in electronics and 2.6 million jobs in the United States."

Mr. President, I am joined by 14 of my colleagues in introducing this legislation. I urge other Members to join us in supporting this legislation, which will increase investment in one of the key technologies of the 21st century and provide the foundation of well-paying jobs for years to come.●

● Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague, Senator BAUCUS, and our original cosponsors, in introducing legislation to reduce the depreciable life of semiconductor manufacturing equipment from 5 years to 3 years.

I believe that a world class semiconductor industry is vital to the economic and national security of the United States. Semiconductors are the building blocks of the information age—the brains and memory of computers, telecommunications equipment, consumer electronics products, and advanced weapons systems.

Under current law, semiconductor manufacturing equipment is assigned a depreciable life of 5 years. The rapid pace of technological advances in the semiconductor industry is nothing less than mind-boggling. The equipment used to manufacture semiconductors often becomes technologically and economically obsolete within 3 years after being placed in service.

Reducing the depreciable life of semiconductor manufacturing equipment to 3 years will help U.S. semiconductor manufacturers keep pace with these rapid technological changes and strengthen their international competitiveness.

Mr. President, I urge our colleagues to join Senator BAUCUS and me in cosponsoring this bill.●

● Mr. BINGAMAN. Mr. President, I rise today in support of the Semiconductor Investment Act of 1991, introduced by my esteemed colleague from Montana.

Mr. President, success in the semiconductor industry depends on the ability to design and manufacture the quickest and smallest chip. Although the United States remains relatively strong in semiconductor design, we are falling behind in the manufacture of semiconductors. In 1982, the United States share of the world semiconductor market was approximately 57 percent, while the Japanese share was 32.5 percent. By 1990, however, our share had dropped to approximately 40 percent, while the Japanese share rose above 47 percent.

Mr. President, manufacturing technology is constantly improving, and those in the semiconductor industry must continuously upgrade their manufacturing equipment to keep up with this changing technology. In fact, semiconductor manufacturing equipment is often obsolete soon after it is installed in the factory. The United States' alarming loss in market share is at least partly due to our capital markets and tax policy, which tend to discourage investments in equipment needed to keep our semiconductor industry on the cutting edge.

In 1986, Congress authorized the depreciation of semiconductor manufacturing equipment over 5 years. Mr. President, the fact is that the economic life of most semiconductor manufacturing equipment is shorter than 5 years. This imbalance between the real economic life of equipment and its depreciable life has the unfortunate effect of providing a disincentive for the timely investment in manufacturing equipment. It is therefore both logical and desirable for us to shorten the depreciable life of this equipment to more closely track its useful economic life.

Senator BAUCUS' bill will decrease the depreciable life of semiconductor manufacturing equipment from 5 to 3 years. The National Advisory Committee on Semiconductors recently concluded that such a change would increase investment in manufacturing equipment by 11 percent. This change will help American semiconductor manufacturers compete with foreign manufacturers, who have greater access to patent capital for investment.

Mr. President, the Senator from Montana's legislation is an important part of a strategy to make our high technology industry more competitive. Maintaining competitiveness in this field is imperative both to our national security and our economic vitality. I am therefore proud to be an original cosponsor of the Semiconductor Investment Act of 1991.●

● Mr. DOMENICI. Mr. President, I am pleased to join Senator BAUCUS as a cosponsor of the Semiconductor Investment Act of 1991. This bill is a companion measure to H.R. 3273, which was introduced in the House by Congressman PICKLE and 28 others on August 2, 1991.

Many people, when they hear the word "semiconductor," think of Japanese high technology. But, in fact, the technology was invented here in the United States. In 1982, the United States held a 56.7-percent share of the semiconductor market compared to Japan's 32.5-percent share. Unfortunately, that market share shifted drastically through the remainder of the 1980's. In 1990, the United States held a 39.8-percent share compared to Japan's 47.1 percent.

There are several reasons behind the decline in U.S. market share: The

United States has lost a large proportion of industries which use semiconductors, such as consumer electronics; the U.S. semiconductor industry has been injured by unfair trading practices, such as dumping and denial of market access; other governments have made the development of the semiconductor industry a national priority by funding R&D consortia, extending low-interest loans, and providing favorable tax depreciation treatment and other tax incentives; and between 1984 and 1989, Japanese firms outinvested United States firms in plant and equipment and R&D by \$12 billion, a gap that will grow to \$15 billion between 1990 and 1995.

Mr. President, the National Advisory Committee on Semiconductors [NACS], established by Congress and comprised of government and industry officials, determined that the gap in capital spending was one of the most serious problems facing the industry. The committee reviewed several tax policy options to increase capital spending—a reduction in the capital gains tax rate, a more effective R&D tax credit, personal savings incentives, and a change in depreciation rules. The NACS concluded that shortening the depreciable life of semiconductor manufacturing equipment from 5 years to 3 years was the most effective way to address this problem. That is what this legislation would do.

It is an appropriate tax policy change. The present law 5-year depreciable life of semiconductor manufacturing equipment no longer accurately reflects the life of the property. The rapid pace of technological change in the semiconductor industry worldwide often makes equipment technologically and economically obsolete soon after being placed in service. Prior to 1988, Treasury had the administrative authority to adjust class lives. Congress repealed that authority in 1988, so this legislation is necessary to accomplish this change.

The semiconductor industry is vital to America's economic and national security. The United States must reduce the growing gap between United States and Japanese capital spending in the semiconductor industry in order to stay at the cutting edge of technology. The NACS determined that reducing the depreciable life would have the effect of increasing the annual rate of capital investment in semiconductors in the United States by 11 percent. This would significantly reduce, though not eliminate, the gap between United States and Japanese capital spending.

This legislation is important to my State of New Mexico. At the end of 1990, there were over 3,100 people employed in the semiconductor industry in my State. Mr. President, that figure is 11 percent of total durable manufacturing employment in New Mexico. The

industry is growing in my State, but that growth is stalling. Fair tax treatment is what it needs to stay competitive.

This legislation is not free—good things never are. It is a tax bill, and a revenue loser. We do not have a firm estimate of what this bill will cost, but I think it will be in the neighborhood of \$200 to \$400 million over the next 5 years. I am committed to the 1990 budget agreement and its pay-as-you-go rules, and, of course, will work with the other co-sponsors to identify appropriate pay-go offsets to the revenue loss associated with this legislation.●

Mr. BURNS. Mr. President, I am pleased to join my colleague from Montana, Senator MAX BAUCUS, as an original cosponsor of the Semiconductor Investment Act of 1991.

In the last decade, the U.S. semiconductor industry has suffered a dramatic decline in its share of the world market. This legislation, by reducing depreciation of semiconductor manufacturing equipment from 5 years to 3 years, will allow the semiconductor industry in the United States to remain competitive in the international arena. Mr. President, this legislation is vital to our Nation: We must remain at the forefront of computer technology.

Most people are familiar with the revolution taking place in the computer industry. The dizzying increase in computing power for less and less money is giving kids at home, spending the equivalent of paper route earnings, capabilities that only advanced research laboratories could afford a decade ago. The computer revolution is also seen in the explosive growth of new, innovative companies, especially those producing software, whose successes underscore the volatility—and opportunity—in the market.

Advances in technology are occurring at an astonishing speed. Powerful new computers are processing information faster and using voice and video in ways unimaginable only a few short years ago. We need to make sure American companies have the incentive to lead this revolution. We must not be satisfied with merely remaining competitive or keeping up. We must enact policies that allow us to regain the competitive edge in the semiconductor industry. This bill takes a step in that direction and toward the future.

Mr. President, just this morning I met with officials of a community college in Montana and I saw a glimpse of the future. Miles Community College, in Miles City, MT, is working to establish a distance learning program using a fully integrated, fiber optic network. Combining computers and technology, students will be able to receive degrees as registered nurses. Not only does this benefit students, but the implementation of these kinds of programs will bolster health care in rural States like Montana.

We must plan ahead and allow America to take full advantage of these incredible new developments in the computer industry. To do so requires dramatic changes in our Nation's communications law and policy. Indeed, as the power of computers grows, so do the demands on the communications infrastructure that enables computers to link up. Today the modernization of our communications infrastructure is holding back the full realization of the information age.

Within the next few years the computer and communications industries will become indistinguishable. These industries are linked by a common language—"digitization"—which permits virtually any kind of information—words, numbers, voice, music, photographs, movies—to be converted into the same stream of ones and zeros, then reassembled into their original form.

But there is one fundamental difference between the computer and communications industries: In the United States, the computer industry operates in virtually the freest market imaginable, while the communications industry is tightly, and disastrously, hobbled by horse and buggy regulatory schemes that are blind to the information age and the growing competitive threat to American technology. That mismatch presents a grave danger to U.S. leadership in both fields.

Mr. President, our current communications infrastructure will be unable to handle the power that new computer technology will unleash. That is why, along with legislation designed to improve the American computer industry's ability to compete, we must also pass Senate bill 1200, the Communications Competitiveness and Infrastructure Act which promotes the competitiveness of America's communications industry. S. 1200 sets a national goal of establishing an advanced interactive broadband communications network by the year 2015. Such a network—accessible to all homes, businesses, educational institutions, health care organizations, and other users—will allow our country to harness the advances that will occur as a result of legislation like that proposed today.

Mr. President, I applaud Senator BAUCUS for his leadership on the semiconductor issue. I am also looking forward to working closely with my colleague from Montana on this, and other issues that will help the United States move forward into the information age of the 21st century.

Thank you, Mr. President. I yield the floor.

Mr. SANFORD. Mr. President, I rise today to express my support and proud cosponsorship of the Semiconductor Investment Act of 1991 introduced today by Senator BAUCUS and Senator PACKWOOD. This legislation is designed to bring the depreciable life of semi-

conductor manufacturing equipment more in line with the economic reality of that industry.

The semiconductor industry is one of the saddest examples of American technology creating and developing a worldwide industry, only to lose its position of leadership, all within a single decade. We must not permit the loss of market share and the deterioration of America's competitive position in this vital industry to continue. Certainly, when American technology builds a better mousetrap, Congress should not then shackle it with legislation so burdensome as to give away that advantage.

Hundreds of thousands of workers are employed by the information industry which will by all accounts be at the vanguard of the 21st century. I am proud to say that my home State of North Carolina is the host to many firms involved in semiconductor research and manufacturing. In the Research Triangle area alone, over 50,000 employees are involved in the semiconductor industry. I have long been a supporter of high-technology research, development, and manufacturing of this nature because I have seen first hand the progress it has brought to my State.

This legislation will strengthen the international competitiveness of the U.S. semiconductor industry. The present 5-year depreciable life period legislated by Congress in 1986 does not accurately reflect the true economic life of semiconductor manufacturing equipment. Technology that is state of the art today may be obsolete tomorrow. Four- and five-year-old equipment in the semiconductor field is typically of little technological or economic value, and the laws should be adjusted to reflect this rapid pace of development accurately. The 3-year life proposed by this bill is more realistic and puts America on an equal footing with international competition.

We must neither discourage the semiconductor industry from attracting needed capital nor penalize it for making necessary capital expenditures. Indeed, we should adopt measures, such as this, to encourage the American semiconductor industry to increase its worldwide market share and to close the gap in an industry it once dominated. The Semiconductor Investment Act of 1991 is one step in that direction.

A shorter depreciable life for semiconductor equipment was recommended by the National Advisory Committee on Semiconductors. This committee, established by Congress and comprised of respected government and industry officials, determined that a 3-year depreciable life as proposed by this legislation would increase the rate of capital investment in the semiconductor industry by 11 percent annually. The positive effects of increased capital investment are, of course, far

reaching. Not only will the semiconductor industry itself benefit, but the entire economy will feel and be given a much needed boost.

Mr. President, it is for these reasons that I again offer my full support for this vital legislation and urge my colleagues to do likewise.

By Mr. BREAUX (for himself and Mr. KERRY):

S. 1787. A bill to amend the Internal Revenue Code of 1986 to encourage the sale of real property held by the Resolution Trust Corporation by allowing a credit against income tax to purchasers of such property; to the Committee on Finance.

ASSET DISPOSITION AND REVITALIZATION  
CREDIT ACT OF 1991

• Mr. BREAUX. Mr. President, in just a short while Congress will be asked to consider yet another funding request for the Resolution Trust Corporation. In mid-August Treasury Secretary Nicholas Brady and Federal Deposit Insurance [FDIC] Chairman William Seidman appeared before congressional committees requesting \$80 billion in additional funding for the RTC. More recently, the Congressional Budget Office [CBO] and the General Accounting Office [GAO] have testified that this additional funding will not be sufficient and that billions more in taxpayer dollars will be needed to bail out the saving and loan industry.

In 1989, \$50 billion was appropriated for the RTC. This spring, we provided an additional \$30 billion and now here we are again just 6 months later with a pending request for another \$80 billion. This will bring the total bail out cost so far to \$160 billion—to pay for what was originally estimated to be a \$40 billion problem. This \$160 billion does not include the borrowing authority that RTC has to use as "working capital".

When RTC comes to Congress to request this money it does not even provide a detailed flow sheet to justify its request, the request is based upon estimates. Mr. President, we are throwing money down the sink with no clear idea on how we can stop this hemorrhaging of the Treasury. To add insult to injury, much of the property being acquired by the RTC is simply being held, unpurchased, and costing the Government billions to hold and maintain.

Although the RTC has been modestly successful in paying off depositors and marketing its huge financial portfolio, real estate assets are selling at an extremely slow pace. In spite of a few well publicized deals, the RTC has sold less than 5 percent of its entire portfolio of assets. Neither the taxpayer nor the real estate industry can continue to support this growing supply of government owned real estate.

We cannot continue to ask the taxpayers to carry this burden without also providing some new and innova-

tive ideas that can be adopted to minimize the taxpayers burden of the bailout. The sooner the RTC can sell its real estate assets, the sooner the Government will begin recovering its costs. Sale of these properties at the earliest opportunity will also result in saving the taxpayer millions in holding and maintenance costs that are associated with these properties.

Today I am introducing legislation to establish a pilot program that is designed to provide another option to the RTC to help it sell these properties in a way that is most attractive to the average investor. This legislation would authorize a new tax credit, the asset disposition and revitalization credit [ADR].

The ADR credit will be a limited program designed to expedite the sale of hard to sell RTC properties. The credit, which is based on the successful low income tax credit, will be a 5-year credit based on the acquisition price and rehabilitation expenditures of a selected number of RTC properties. The proposal: authorizes \$1 billion of tax credits' provides to the RTC and FDIC the discretion to allocate credits, and would provide credit only after other alternatives to sell the property have been fully explored; provides to the RTC and FDIC the discretion to authorize a credit of up to 80 percent of the purchase price of the property spread out over 5 years; provides that any person who sells, exchanges, or disposes of property with respect to which the credit is allowed will be required to pay the RTC an amount equal to 20 percent of the amount realized or of the fair market value; and provides for a \$50,000 exemption from the passive loss rules and will be allowable against the alternative minimum tax [AMT].

The ADR tax is expected to: stabilize declining real estate values; democratize the RTC property sales process by permitting average investors to participate through the syndication process; save taxpayers an estimate \$2 for every \$1 used to finance the program; guarantee the sale of RTC property as the credit can only be utilized after sale by the RTC; and ensure that property sold by the RTC using ADR credits will not revert to the Government if the project again fails.

The ADR credit will not be available for properties that can be sold for market or near market prices or accessible to any officer, director, or substantial shareholder of a failed S&L acquired by the RTC.

Focus groups conducted among average citizens and potential investors in nine major cities revealed strong support for the ADR credit as a means of reducing taxpayer exposure and maintaining property values.

Some have argued that the credit is an inefficient way to stimulate the real estate industry. These so called classical economists believe that the market

should not be influenced by the Tax Code and that eventually the law of supply and demand will clear the market of Government-owned properties. The tax credit mechanism has proved to be an effective tool in attracting investor dollars to low income housing and should prove as efficient in clearing the market of RTC property.

Economists will and do disagree over the economic effect of this proposal. The effectiveness of this proposal will not be determined by the theoretical projections of economists, however, it will be determined by real life investors. Therefore, I have requested a hearing of the Finance Committee on this proposal where I hope that private individuals will have a chance to explain why a tax credit is a far preferable approach to acquiring this property than is purchasing it at a reduced price or through other mechanisms.

I hope that at the hearing many of the other criticisms of the proposal will be aired including:

This credit will cause discrimination against nontax advantaged properties. A response to this argument is that this contention ignores the fact that private commercial real estate has not sold and will not sell as long as an overabundance of Government-owned properties depresses the market, reduces available credit and stifles all sales activity. Obviously, there can be no discrimination if local markets remain dormant. Supporters of this credit argue that despite the possibility of market discrimination once the ADR credit program is implemented, the stabilization of property values and the resurgence of real estate markets that will arise through the transference of this property into private hands will more than offset any incidental damage to some private commercial properties.

Cutting the price versus tax credit. Some argue that we should simply cut the price of these properties and that would have the same effect as providing the tax credit. If prices are cut, who is going to loan the money on these properties to purchase them? These were risky properties to start with and remain risky, what bank will be willing to loan money on this property? Who will purchase this property unless at a fire sale price where his risk is minimal? A tax credit will expand the number of eligible investors who have the equity to purchase this property. Moreover, this tax credit is eligible to all investors, not just the high rollers.

The ADR credit is designed to be a selective program, with limited resources and with the objective of carefully stimulating local real estate markets while maintaining property values. By reducing the oversupply of Government-owned commercial properties and infusing new investor capital into these local markets, the ADR

credit will revitalize deteriorating real estate much like the rehabilitation credit has restored many of the Nation's blighted urban areas.

Arguably, the ADR credit is not a panacea. Nevertheless, it is a creative first step in the return of commercial properties to the private sector and in the re-creation of a healthy and prosperous real estate market. When Congress considers providing an additional \$80 billion of money to the RTC, to an agency that cannot even justify this request with detailed specifics, I hope that it will also favorably consider adding this new program to help the RTC rid itself of these properties. The program is \$1 billion or one-eightieth of what Congress will be spending. I believe the record will show that it will be worth the risk.●

By Mr. WIRTH (for himself, Mr. BROWN, Ms. MIKULSKI, and Mr. SARBANES):

S. 1788. A bill to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site; to the Committee on Rules and Administration.

NATIONAL AIR AND SPACE MUSEUM EXPANSION SITE SELECTION ACT OF 1991

Mr. WIRTH. Mr. President, today, with my colleague from Colorado, Senator BROWN, and Senators MIKULSKI and SARBANES, I am introducing the National Air and Space Museum Expansion Site Selection Act of 1991. This legislation will set up a national competition to fairly and impartially select the location of the much-needed extension to our Nation's most visited museum. This new facility will house such aviation treasures as the space shuttle *Enterprise*, a supersonic *Concorde*, and the *Enola Gay*. Finally, this legislation has the potential to save the Federal Government hundreds of million of dollars—not an inconsequential amount.

As some of my colleagues know, the Smithsonian has long promoted a site near Dulles International Airport as the appropriate location for the National Air and Space Museum [NASM] extension. In fact, the Senate has passed legislation several times designating this site, only to have it die from inaction in the House.

There is a reason for this bill's lack of success—this legislation is flawed. The last hearings before the Rules Committee on that matter were July 24, 1985, more than 6 years ago. At that time, simply concurring with the Smithsonian Board of Regents may have seemed the appropriate action, but, Mr. President, times have changed, Federal budgets have gotten

smaller, and requests by the Smithsonian to fund its ambitious renovation and construction projects have gotten louder.

While I have great respect for Chairman FORD and the other members who serve on that committee, other opportunities for sites have developed which deserve objective consideration. This bill will provide for that process.

Those of us who believe the Smithsonian's site selection process has been flawed are in good company. The General Accounting Office [GAO] last February concluded that the Smithsonian's selection process cannot be relied upon to objectively defend the selection of Dulles. A fair and reasonable way to discover the best site while reducing Government expenditures would be for the Smithsonian to use a more formal, systematic, and cost-conscious process. Such a process would:

Define minimal, real requirements, and distinguish such requirements from optional niceties;

Clearly announce and communicate these requirements to all possible offenders, perhaps on a nationwide basis; and

Systematically evaluate all responses that meet the Smithsonian's needs in terms of present value life cycle costs to the Government.

The bill Senator BROWN and I are proposing, along with our colleague in the House, Representative SKAGGS, would set up just such a process.

Our approach would not only end up saving the Federal Government money, but would also give more States the chance to compete for the museum. Beyond questions of cost and good process, there are philosophical issues concerning the national equity and the national interest in having the Smithsonian's facilities located almost exclusively in the Washington, DC, area.

The Smithsonian admits it will have to address the issue of geographic diversification in the future, but refuses to do so on the NASM extension facility. The Secretary of the Smithsonian, Robert Adams—who is a sometime Colorado constituent—sat in my office and said that physical constraints will eventually lead the Smithsonian to place major portions of its rapidly growing collection not only off the Mall, but outside of the Washington area. Why wait to start this process tomorrow, when the need is so great today?

Mr. President, this is a large nation and I am sure that there are many sites which could adequately serve the Smithsonian's needs for its NASM extension.

For example, Denver has developed a proposal to locate the extension at Stapleton International Airport, which is slated for closure in 1993, when the new airport opens. Stapleton is an especially attractive option for the

NASM extension. It offers already-existing facilities, hangars, runways, buildings, and aviation facilities, all ideal for the Air and Space Museum. Recognizing Stapleton's potential, the city of Denver, along with community and business leaders, have put together a plan to complete phase one of the NASM extension at no capital cost to the Federal Government. This would provide an open, operating facility to house and preserve our national aviation achievements.

A private study concluded that this option could save the Federal Government as much as \$200 million in capital and operating costs during the 30-year projected life cycle of the extension. Given the budget climate around here, any proposal that has the potential for saving that kind of money is worthy of serious consideration.

Finally, Mr. President, there is the question of fairness. Statistics show that though most of the Nation's population lives west of the Mississippi, proportionately few of them ever visit the Smithsonian's museums. Western citizens pay their fair share of taxes to support the Smithsonian, yet too often are unable to share in its national treasures. Western States should have the opportunity, at the very least, to compete for the NASM facility.

The bill we are introducing today will institute an objective process to determine the best site for the NASM extension. This bill would first set up a panel composed of museum experts, Members of Congress, and a representative of the Smithsonian Institution, to develop fair criteria to judge proposals. Second, the bill would invite States and cities to compete for the facility, and third, provide for an objective review of the proposals. Finally, the panel would then forward its recommendation to Congress and the Board of Regents for the final site of the NASM extension.

Clearly, if the panel performs adequately, the Smithsonian will accept its recommendation. However, in the event that the recommendation is unsatisfactory, the Smithsonian would have the opportunity to explain to Congress its objections. I believe this is a balanced effort to retain the Smithsonian's autonomy while ensuring that it is more objective in its decisionmaking process.

Mr. President, the Smithsonian Institution receives approximately 85 percent of its funds from U.S. taxpayers. I believe we in Congress therefore have the responsibility to insist on an open site-selection process that permits fair consideration of all competitive options.

It is my hope that the chairman of the Rules Committee will hold hearings on this legislation and report it for passage to the Senate. Priceless artifacts from our aviation history deserve display and study, and this legis-

lation provides an objective method to resolve this issue once and for all.

Thank you, Mr. President, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1788

*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 Air and Space Museum Expansion Site Selection Act of 1991".

**SEC. 2. NATIONAL AIR AND SPACE MUSEUM EXPANSION SITE ADVISORY PANEL.**

(a) **ESTABLISHMENT.**—The National Air and Space Museum Expansion Site Advisory Panel (hereinafter in this Act referred to as the "Panel") is hereby established as an independent establishment of the United States.

(b) **DUTIES OF PANEL.**—

(1) **CONDUCT OF NATIONAL COMPETITION.**—The Panel shall establish and conduct a national competition for the evaluation of possible expansion sites for the National Air and Space Museum (hereinafter in this Act referred to as the "expansion site"). Expansion site proposals shall be submitted to the Panel not later than 8 months after the initial meeting of the Panel.

(2) **DEVELOPMENT OF EXPANSION SITE SELECTION CRITERIA.**—

(a) **IN GENERAL.**—The Panel shall develop criteria for its evaluation of the expansion site proposals. Such criteria shall include—

(i) the long-term costs of the expansion site, including capital, operational, and administrative costs;

(ii) access to operational runway facilities;

(iii) the ready accessibility of such site to the public; and

(iv) other administrative and curatorial factors related to the storage, management, and display of the Smithsonian Institution's collection of aircraft and spacecraft.

Such criteria shall not include the proximity of an expansion site to Washington, DC, except that the Panel may consider administrative and curatorial advantages of an expansion site in the Washington, DC region.

(B) **TIME LIMIT.**—Not later than 4 months after the initial meeting of the Panel, the Panel shall transmit the expansion site selection criteria to the Board of Regents of the Smithsonian Institution (hereinafter in this Act referred to as the "Board of Regents") and the Congress, and shall make such criteria available to the public.

(3) **EVALUATION AND RECOMMENDATION OF EXPANSION SITE.**—Not later than 11 months after the initial meeting of the Panel, the Panel shall—

(A) evaluate the extent to which proposals submitted to the Panel comply with the expansion site selection criteria developed pursuant to paragraph (2); and

(B) submit a report containing—

(i) its evaluation of each proposal, and

(ii) its recommendation of the location of the expansion site,

to the Board of Regents and the Congress.

(c) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—Subject to paragraph (2), the Panel shall be composed of 9 members as follows:

(A) 4 members appointed by the President, from among individuals who have significant experience in the museum profession, and at

least 2 of whom are experts in the aerospace field;

(B) 2 Senators, 1 of whom shall be appointed by the President pro tempore of the Senate, and 1 of whom shall be appointed by the minority leader of the Senate;

(C) 2 members of the House of Representatives, 1 of whom shall be appointed by the Speaker of the House of Representatives, and 1 of whom shall be appointed by the minority leader of the House of Representatives; and

(D) 1 member, appointed by the Secretary of the Smithsonian Institution, from among the officers and employees of the Smithsonian Institution.

(2) ADDITIONAL QUALIFICATIONS.—

(A) GEOGRAPHIC DIVERSITY.—2 Panel members appointed pursuant to paragraph (1)(A) shall reside and work in States west of the Mississippi River. For purposes of this subparagraph, the State of Minnesota shall be considered to be West of the Mississippi River.

(B) SMITHSONIAN INSTITUTION OFFICERS AND EMPLOYEES PROHIBITED.—Panel members (other than the member appointed by the Secretary of the Smithsonian Institution) shall not be current officers or employees of the Smithsonian Institution.

(3) TIME LIMIT.—The Panel members shall be appointed not later than 60 days after the date of the enactment of this Act.

(4) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was an officer or employee of the Smithsonian Institution and later ceases to be such an officer or employee, that member may continue as a member for not longer than the 60-day period beginning on the date that member ceases to be a Member of Congress, or ceases to be an officer or employee of the Smithsonian Institution, as the case may be.

(5) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Panel.

(B) VACANCIES.—A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(6) BASIC PAY.—

(A) RATES OF PAY.—Except as provided in subparagraph (B), each member shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the actual performance of duties of the Panel.

(B) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Panel who are Federal employees, including Members of Congress, may not receive additional pay, allowances, or benefits by reason of their service on the Panel.

(7) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(8) QUORUM.—5 members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(9) CHAIRPERSON.—The Chairperson of the Panel shall be elected by a majority of the members.

(10) INITIAL MEETING.—The initial meeting of the Panel shall be held not later than 30 days after the last member of the Panel is appointed pursuant to paragraph (1).

(d) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(1) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2) STAFF.—Subject to rules prescribed by the Commission, the Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Panel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(4) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basis pay payable for GS-18 of the General Schedule.

(5) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this Act.

(e) POWERS OF PANEL.—

(1) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Panel considers appropriate. The Panel may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Panel, the head of that department or agency shall furnish that information to the Panel.

(4) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Panel, the Administrator of General Services shall provide to the Panel, on a reimbursable basis, administrative support services and office space necessary for the Panel to carry out its responsibilities under this Act.

(6) CONTRACT AUTHORITY.—The Panel may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Panel to carry out its duties under this Act, and for other services.

(f) FILING OF PANEL REPORT WITH LIBRARY OF CONGRESS.—Section 13 of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply with respect to the Panel report developed pursuant to section 2(b)(3)(B).

(g) TERMINATION.—The Panel shall terminate 30 days after the date on which the Board of Regents of the Smithsonian Institution selects the expansion site pursuant to section 4.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Amounts shall be available to carry out section 2 only to the extent such amounts are made available in advance in appropriations Acts.

SEC. 4. AUTHORIZATION OF NATIONAL AIR AND SPACE MUSEUM EXPANSION SITE.

(a) IN GENERAL.—The Board of Regents shall—

(1) select an expansion site for the National Air and Space Museum only in accordance with subsections (b) and (c); and

(2) plan and design such expansion site only to the extent that amounts necessary for such planning and design are made available in appropriations Acts enacted after the date of the enactment of this Act.

(b) SELECTION REQUIREMENTS.—In selecting an expansion site pursuant to subsection (a), the Board of Regents—

(1) shall consider the criteria developed by the Panel pursuant to section 3(b)(2);

(2) shall consider the recommendation of the expansion site submitted by the Panel pursuant to section 3(b)(3); and

(3) shall submit, not later than 30 days after its selection of the expansion site, a report to the Comptroller General of the United States explaining the reasoning used in the selection of its preferred expansion site.

(c) GAO REPORT.—The Comptroller General of the United States—

(1) shall review and evaluate the report of the Board of Regents submitted to it under subsection (b)(3) and the extent to which the site selected by the Board is consistent with the criteria established by the Panel under section 2; and

(2) shall submit a report to the Congress on such review and evaluation not later than 60 days after the date on which it received the report of the Board of Regents.\*

• Mr. BROWN. Mr. President, Senator WIRTH and I are today introducing legislation to set up a national competition to select the location of the Smithsonian Institution's National Air and Space Museum extension.

This facility will house aviation treasures such as the space shuttle Enterprise, a Concorde, and the Enola Gay.

A competitive process has the potential to save taxpayers hundreds of millions of dollars and at the same time maintain the Smithsonian's restoration and collection efforts at a very high level.

Our bill, and its House companion, H.R. 3281, follow recommendations made by the General Accounting Office regarding the best approach to selecting sites for governmental facilities and this one in particular.

Such an approach would maximize competition, consider State and local concessions, use cost and benefit comparisons, and select sites that meet needs while offering the best overall value to the Government.

Currently, the Smithsonian Institution is not required to follow competitive, cost-effective procedures in selecting a site, even though it receives about 85 percent of its funds from U.S. taxpayers.

It is no secret that the Smithsonian wants to build the \$355 million museum extension at Dulles Airport.

However, a February 5, 1991, GAO study of the Smithsonian site selection process found:

The Smithsonian's process to date cannot be relied upon to objectively defend the selection of Dulles.\* \* \*

\* \* \* The Smithsonian has not followed a purposeful, systematic process to assure that the Dulles selection is the most cost-effective site.

\* \* \* In the current climate of fiscal austerity and restraint, a heightened awareness of opportunities for savings and consideration of lower-cost alternatives should be part of the site selected process.

The Smithsonian never publicly announced its needs and did not consider all potentially competitive sites. Among several other sites it did consider, it rejected alternatives, such as Baltimore-Washington International Airport which has its own AMTRAK station, would draw more visitors, and, according to the Smithsonian's own consultants, could be built in less time for less money.

Also rejected was a proposal by the city of Denver to build phase I of the Air and Space extension at Stapleton Airport at no capital cost to the Federal Government. A study done by Air and Space West, Inc., found that the Stapleton site could save taxpayers as much as \$200 million over the 30-year life cycle of the extension. Stapleton will be closed in 1993, and offers already existing aviation facilities, including hangers, runways, and buildings, which would allow for the intact movement by air and exhibition of very large aviation artifacts.

Who knows what other competitive, cost-effective options may exist?

GAO's February 5 study concluded that;

A fair and reasonable way to assure it has selected the best site and maximized the incentives received from localities would be for the Smithsonian to use a more formal, systematic, and cost-conscious process.

Shortly after its February 5 report, GAO reversed itself on March 20, based on the Smithsonian Institution's subsequent submission to GAO of a new smaller, \$162 million proposal. As it turns out, though, GAO apparently did not realize that the new Smithsonian plan was simply phase I of the original \$355 million museum extension proposal.

Our bill would create an open site-selection process that allows for objective consideration of all competitive proposals. The site competition we propose could be done in a year.

The bill would, first create a panel to develop appropriate criteria to judge proposals; second, invite States and cities to submit proposals; and third, provide for an objective review of the proposals and the selection of a site.

The panel would be composed of experienced museum professionals, Members of Congress, and a representative of the Smithsonian Institution, who would be responsible for developing the

objective criteria by which all potential site proposals could be judged fairly. After the criteria were agreed upon the panel would solicit site proposals from all interested parties. Each proposal would then be evaluated by the panel to determine which one best met the stated requirements. The panel would then present its evaluations and recommendations to the Smithsonian which would ultimately make the final site selection.

At this time, other legislation, S. 289, has been introduced in the Senate to authorize the Dulles site. The Senate Rules Committee has scheduled an October 3 markup of that measure.

It is my hope that before taking any action to mark up legislation, the Senate Rules Committee would hold a hearing on both bills and review this issue overall.

The last hearing held by the committee on the museum extension proposal was in 1985. Since then, the proposal has changed, costs have increased, and the Government's fiscal problems have become much worse, increasing the need for a cost-effective site selection process.

For that matter, the bill that has been scheduled for markup, S. 289, which is identical to legislation passed last year by the Senate, would authorize the original \$355 million museum extension proposal at Dulles, not the new \$162 million version the Smithsonian subsequently submitted to GAO after the agency's criticism of the Smithsonian's selection of Dulles for the full-blown extension.

It should be noted that the House Appropriations Committee report on the fiscal year 1992 Interior appropriations bill states:

The Committee also believes that if the authorization is for a facility which will include or involve more than storage and rehabilitation or restoration of artifacts only (such as additional exhibit areas, theaters or shops), that such a facility should be opened to competition for site selection.

Also, today the House Administration Subcommittee on Libraries and Memorials is conducting a hearing on the House companion to our bill, H.R. 3281, which would authorize a national site competition for the museum extension.

A resolution adopted earlier this year by the Western Governors' Association states:

The process for selecting sites for new or expanding national museums, such as the Air and Space Museum, should be open to ensure all relevant factors are taken into account in selecting the site—cost, research, access, and care of artifacts housed with the museum.

Our bill follows the procedure for site selection outlined by the General Accounting Office in its original report.

This will save the taxpayers money, give more States and cities the opportunity to compete for the museum, and allow the Smithsonian to respond to

its statutory mandate to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."•

By Mr. DURENBERGER (for himself, Mr. BURNS, Mr. DOLE, Mr. DOMENICI, Mr. ROTH, and Mr. LUGAR):

S. 1789. A bill to provide emergency unemployment compensation, and for other purposes; to the Committee on Finance.

#### DEFICIT NEUTRAL UNEMPLOYMENT COMPENSATION ACT

Mr. DURENBERGER. Mr. President, I am today introducing legislation, along with Senators BURNS, DOMENICI, DOLE, ROTH, and LUGAR that I hope will break the political gridlock over the issue of extended unemployment benefits.

#### DURENBERGER ALTERNATIVE

The bill that I am introducing is very similar to the alternative introduced by the distinguished Republican leader, Mr. DOLE, the distinguished ranking member of the Budget Committee, Mr. DOMENICI, and others, except for one important change.

Under my alternative, the number of weeks of extended benefits is increased from the 6 and 10 weeks contained in the Dole-Domenici bill to 8 weeks for all States and 15 weeks for those States where the insured unemployment rate, adjusted to include exhaustees, is 5 percent or higher.

Mr. President, what that means is that as of October 6 when this program would be effective, 32 States—including my home State of Minnesota, Illinois, Indiana, Maryland, Missouri, Oregon, Texas, and Washington—would do better under my alternative than the conference report that was voted on earlier this morning.

If one calculates benefits in March, when the insured unemployment rate is comparatively higher than the total unemployment rate, many States including California, Massachusetts, Montana, Pennsylvania, Rhode Island, and Vermont are also picked up in the higher 15-week tier and do better under the Durenberger alternative than under the conference report.

Let me repeat that point, Mr. President, these States do better under my alternative than under the conference report that we passed today.

In my view, this represents effective help for the unemployed and should receive bipartisan support.

In addition, Mr. President, additional funds raised by this legislation in fiscal year 1993 and beyond are earmarked to deal with the problem of pockets of unemployment. A lot of the debate on the floor has been on the problem of chronic unemployment in certain parts of the country that are not fully served by the current unemployment insurance system.

The problem is that while the State unemployment rate may be relatively

low, certain communities within that State are really suffering.

This legislation directs the Secretary of Labor to establish a comprehensive economic adjustment program targeted at those communities that have unacceptably high unemployment rates that are not reflected in the National and State economy as a whole.

#### PAYS FOR ITSELF

Mr. President, it is also important to make the point that this bill pays for itself. While certain emergency language has been included as a safety catch to ensure that no sequester would occur in fiscal year 1992, I personally believe that this language is unnecessary and is only included for those who want a belt-and-suspenders approach.

The most important point to make, however, is that this bill is deficit neutral over 5 years where the conference report asks our children and their children to cough up another \$6.2 billion on top of the current \$3½ trillion in debt we now have.

I know my colleagues on the other side of the aisle do not want to turn a blind eye to the deficit and what we are doing to future generations of Americans.

But if we ignore the budgetary implications of the conference report, we are, in effect, ignoring the future. This Senator cannot ignore the consequences of an exploding deficit.

#### GET RELIEF TO UNEMPLOYED NOW

Finally, Mr. President, while I cannot say for sure that the President would sign this proposal, it does comply with the important objectives of abiding by the budget agreement and being deficit neutral over 5 years—objectives on which the conference report fails.

I hope my colleagues will carefully review this proposal and work with me to ensure that extended benefit checks go out in the mail sooner rather than later—hopefully by the end of this week. And I hope that we will stop playing politics with the issue of extended benefits for the unemployed.

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. 1789

*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 "Deficit-Neutral Unemployment Compensation Act of 1991".

#### TITLE I—EMERGENCY UNEMPLOYMENT COMPENSATION

##### SEC. 101. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (hereafter in this title re-

ferred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law); and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 106(2)).

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependent's allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title, or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 102 shall not exceed the amount established in such account for such individual.

##### SEC. 102. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with re-

spect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during a:	The applicable limit is:
5-percent period .....	15
Other period .....	8

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) DETERMINATION OF PERIODS.—

(1) IN GENERAL.—For purposes of this section, the terms "5-percent period" and "other period" mean, with respect to any State, the period which—

(A) begins with the third week after the first week for which the applicable trigger is on, and

(B) ends with the third week after the first week for which the applicable trigger is off.

(2) APPLICABLE TRIGGER.—In the case of a 5-percent period or other period, as the case may be, the applicable trigger is on for any week with respect to any such period if the adjusted rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls within the applicable range.

(3) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
5-percent period .....	A rate equal to or exceeding 5 percent.
Other period .....	A rate less than 5 percent.

(4) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), if for any week beginning after October 5, 1991, a 5-percent period or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) EXCEPTION IF APPLICABLE RANGE INCREASES.—If, but for subparagraph (A), another period with a higher applicable range would be in effect for a State, such other period shall be in effect without regard to subparagraph (A).

(5) NOTIFICATION BY SECRETARY.—When a determination has been made that a 5-percent period or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this title for any week—

(A) beginning before the later of—

(i) October 6, 1991, or

(ii) the first week following the week in which an agreement under this title is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this title.

(3) REACHBACK PROVISIONS.—(A) IN GENERAL.—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after February 28, 1991, and before the first week following October 5, 1991 (or, if later, the week following the week in which the agreement under this title is entered into), and

(ii) a 5-percent period, as described in subsection (c), is in effect with respect to the State for the first week following October 5, 1991,

such individual shall be entitled to emergency unemployment compensation under this title in the same manner as if such individual's benefit year ended no earlier than the last day of such following week.

(B) LIMITATION OF BENEFITS.—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) shall be reduced in accordance with subsection (b)(3).

**SEC. 103. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State

having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

**SEC. 104. FINANCING PROVISIONS.**

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) ASSISTANCE TO STATES.—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this title.

**SEC. 105. FRAUD AND OVERPAYMENTS.**

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of an individual who has received amounts of emergency unemployment compensation under this title to which he was not entitled, the State shall require such individual to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) the repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to

such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individual received the payment of the emergency unemployment compensation to which he was not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

**SEC. 106. DEFINITIONS.**

For purposes of this title:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) ELIGIBILITY PERIOD.—An individual's eligibility period shall consist of the weeks in the individual's benefit year which begin in a 5-percent period or other period under this title and, if the individual's benefit year ends within any such period, any weeks thereafter which begin in any such period. In no event shall an individual's period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) ADJUSTED RATE OF INSURED UNEMPLOYMENT.—The adjusted rate of insured unemployment shall be determined in the same manner as the rate of insured unemployment is determined under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, except that the total number of individuals exhausting rights to regular compensation for the most recent three months for which data are available shall be included in such determination in the same manner as the average weekly number of individuals filing claims for regular compensation.

**SEC. 107. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.**

(a) REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY FOR DESERT STORM RESERVISTS.—Section 8521 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) In the case of a member of the armed forces who served on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm, paragraph (1) of subsection (a) shall be applied by substituting '90 days' for '180 days'.

"(2) For purposes of paragraph (1), the term 'Operation Desert Storm' has the meaning given the term in section 3(1) of Public Law 102-25 (105 Stat. 77)."

(b) LIMITATIONS ON UNEMPLOYMENT COMPENSATION.—Subsection (a)(1) of section 8521

of title 5, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) The individual was—

"(i) involuntarily separated from the armed forces, or

"(ii) separated from the armed forces after being retained on active duty pursuant to section 673C or 676 of title 10, United States Code.

"(B) This paragraph does not apply in the case of a dismissal, dishonorable discharge, or bad conduct discharge adjudged by a court-martial or a discharge under other than honorable conditions (as defined in regulations prescribed by the Secretary of the military department concerned)."

(c) CONFORMING AMENDMENT.—Subsection (c) of section 8521 of such title is hereby repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after October 5, 1991.

## TITLE II—COLLECTION OF NONTAX DEBTS

### SEC. 201. PERMANENT EXTENSION OF PROVISIONS RELATING TO COLLECTION OF NONTAX DEBTS OWED TO FEDERAL AGENCIES.

(a) IN GENERAL.—Subsection (c) of section 2653 of the Deficit Reduction Act of 1984 is amended by striking "on or before January 10, 1994".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1991.

## TITLE III—GUARANTEED STUDENT LOANS

### SEC. 301. CREDIT CHECKS; COSIGNERS.

(a) IN GENERAL.—Section 427(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), hereafter in this title referred to as "the Act", is amended to read as follows:

"(A) is made without security and without endorsement, except that prior to making a loan insurable by the Secretary under this part a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the applicant an amount not to exceed the lesser of \$25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or non-existent credit history may not be considered to be an adverse credit history;"

(b) CONFORMING AMENDMENT.—Section 428(b)(1) of the Act is amended—

(1) in subparagraph (U), by striking "and" at the end thereof;

(2) in subparagraph (V), by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(W) provides that prior to making a loan made, insured, or guaranteed under this part (other than a loan made in accordance with section 428C), a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the

applicant an amount not to exceed the lesser of \$25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or non-existent credit history may not be considered to be an adverse credit history."

### SEC. 302. BORROWER INFORMATION.

(a) IN GENERAL.—Section 427 of the Act is amended by adding at the end thereof the following new subsection:

"(d) BORROWER INFORMATION.—The lender shall obtain the borrower's driver's license number, if any, at the time of application for the loan."

(b) CONFORMING AMENDMENT.—Section 428 of the Act is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i)(I), by striking out "and" at the end thereof;

(B) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iii) have provided to the lender at the time of application for a loan made, insured, or guaranteed under this part, the student's driver's number, if any."

### SEC. 303. ADDITIONAL BORROWER INFORMATION.

Section 485(b) of the Act is amended—

"(1) by striking the subsection heading and inserting "EXIT COUNSELING FOR BORROWERS; BORROWER INFORMATION.—"; and

(2) by adding at the end thereof the following: "Each eligible institution shall require that the borrower of a loan made under part B, part D, or part E submit to the institution, during the exit interview required by this subsection, the borrower's expected permanent address after leaving the institution, regardless of the reason for leaving; the name and address of the borrower's expected employer after leaving the institution; and the address of the borrower's next of kin. In the case of a loan made under part B, the institution shall then submit this information to the holder of the loan."

### SEC. 304. CONFESSION OF JUDGMENT.

Section 428(b)(1) of the Act is further amended—

(1) in subparagraph (V), by striking "and" at the end thereof;

(2) in subparagraph (W), by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(X) provides that the lender shall obtain, as part of the note or written agreement evidencing the loan, the borrower's authorization for entry of judgment against the borrower in the event of default."

### SEC. 305. WAGE GARNISHMENT.

(a) IN GENERAL.—Part G of title IV of the Act is amended by inserting immediately following section 488 the following new section:

#### "WAGE GARNISHMENT REQUIREMENT

"SEC. 488A. (a) GARNISHMENT REQUIREMENTS.—Notwithstanding any provision of State law, a guaranty agency, or the Secretary in the case of loans made, insured or guaranteed under this title that are held by the Secretary, may garnish the disposable pay of an individual to collect the amount owed by the individual, if he or she is not

currently making required repayment under a repayment agreement with the Secretary, or, in the case of a loan guaranteed under part B on which the guaranty agency received reimbursement from the Secretary under section 428(c), with the guaranty agency holding the loan, as appropriate, provided that—

"(1) the amount deducted for any pay period may not exceed 10 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual involved;

"(2) the individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, with the guaranty agency or the Secretary, as appropriate, informing such individual of the nature and amount of the loan obligation to be collected, the intention of the guaranty agency or the Secretary, as appropriate, to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this section;

"(3) the individual shall be provided an opportunity to inspect and copy records relating to the debt;

"(4) the individual shall be provided an opportunity to enter into a written agreement with the guaranty agency or the Secretary, under terms agreeable to the Secretary, or the head of the guaranty agency or his designee, as appropriate, to establish a schedule for the repayment of the debt;

"(5) the individual shall be provided an opportunity for a hearing in accordance with subsection (b) on the determination of the Secretary or the guaranty agency, as appropriate, concerning the existence or the amount of the debt, and, in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), concerning the terms of the repayment schedule;

"(6) the employer shall pay to the Secretary or the guaranty agency as directed in the withholding order issued in this action, and shall be liable for, and the Secretary or the guaranty agency, as appropriate, may sue the employer in a State or Federal court of competent jurisdiction to recover, any amount that such employer fails to withhold from wages due an employee following receipt of such employer of notice of the withholding order, plus attorneys' fees, costs, and, in the court's discretion, punitive damages, but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph; and

"(7) an employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action. The court shall award attorneys' fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary.

"(b) HEARING REQUIREMENTS.—A hearing described in subsection (a)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (a)(2), and in accord-

ance with such procedures as the Secretary or the head of the guaranty agency, as appropriate, may prescribe, files a petition requesting such a hearing. If the individual does not file a petition requesting a hearing prior to such date, the Secretary or the guaranty agency, as appropriate, shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order. A hearing under subsection (a)(5) may not be conducted by an individual under the supervision or control of the head of the guaranty agency, except that nothing in this sentence shall be construed to prohibit the appointment of an administrative law judge. The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

"(c) NOTICE REQUIREMENTS.—The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(d) DEFINITION.—For the purpose of this section, the term 'disposable pay' means that part of the compensation of any individual remaining after the deduction of any amounts required by law to be withheld."

(b) CONFORMING AMENDMENTS.—

(1) Section 428E of the Act is repealed.  
 (2) Section 428(c)(6) of the Act is amended by striking subparagraph (D).

#### SEC. 306. DATA MATCHING.

Part G of title IV of the Act is further amended by inserting immediately following section 489 the following new section:

##### "DATA MATCHING

"SEC. 489A. (a)(1) The Secretary is authorized to obtain information from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States concerning the most recent address of an individual obligated on a loan held by the Secretary or a loan made in accordance with part B of this title held by a guaranty agency, or an individual owing a refund of an overpayment of a grant awarded under this title, and the name and address of such individual's employer, if the Secretary determines that such information is needed to enforce the loan or collect the overpayment.

"(2) The Secretary is authorized to provide the information described in paragraph (1) to a guaranty agency holding a loan made under part B of this title on which such individual is obligated.

"(b)(1) Notwithstanding any other provision of law, whenever the head of any department, agency, or instrumentality of the United States receives a request from the Secretary for information authorized under this section, such individual or his designee shall promptly cause a search to be made of the records of the agency to determine whether the information requested is contained in those records.

"(2)(A) If such information is found, the individual shall, in conformance with the provisions of the Privacy Act of 1974, as amended, immediately transmit such information to the Secretary, except that if disclosure of this information would contravene national policy or security interests of the United States, or the confidentiality of census data, the individual shall immediately so notify the Secretary and shall not transmit the information.

"(B) If no such information is found, the individual shall immediately so notify the Secretary.

"(3)(A) The reasonable costs incurred by any such agency of the United States in pro-

viding any such information to the Secretary shall be reimbursed by the Secretary, and retained by the agency.

"(B) Whenever such information is furnished to a guaranty agency, that agency shall be charged a fee to be used to reimburse the Secretary for the expense of providing such information."

### TITLE IV—ELECTROMAGNETIC SPECTRUM FUNCTION

#### SEC. 401. SHORT TITLE.

This title may be cited as the "Emerging Telecommunications Technologies Act of 1991".

#### SEC. 402. FINDINGS.

The Congress finds that—

(1) spectrum is a valuable natural resource;  
 (2) it is in the national interest that this resource be used more efficiently;

(3) the spectrum below 6 gigahertz (GHz) is becoming increasingly congested, and, as a result entities that develop innovative new spectrum-based services are finding it difficult to bring these services to the marketplace;

(4) scarcity of assignable frequencies can and will—

(A) impede the development and commercialization of new spectrum-based products and services;

(B) reduce the capacity and efficiency of the United States telecommunications system; and

(C) adversely affect the productive capacity and international competitiveness of the United States economy;

(5) the United States Government presently lacks explicit authority to use excess radiocommunications capacity to satisfy non-United States Government requirements;

(6) more efficient use of the spectrum can provide the resources for increased economic returns;

(7) many commercial users derive significant economic benefits from their spectrum licenses, both through the income they earn from their use of the spectrum and the returns they realize upon transfer of their licenses to third parties; but under current procedures, the United States public does not sufficiently share in their benefits;

(8) many United States Government functions and responsibilities depend heavily on the use of the radio spectrum, involve unique applications, and are performed in the broad national and public interest;

(9) competitive bidding for spectrum can yield significant benefits for the United States economy by increasing the efficiency of spectrum allocations, assignment, and use; and for United States taxpayers by producing substantial revenues for the United States Treasury; and

(10) the Secretary, the President, and the Commission should be directed to take appropriate steps to foster the more efficient use of this valuable national resource, including the reallocation of a target amount of 200 megahertz (MHz) of spectrum from United States Government use under section 305 of the Communications Act to non-United States Government use pursuant to other provisions of the Communications Act and the implementation of competitive bidding procedures by the Commission for some new assignments of the spectrum.

#### SEC. 403. NATIONAL SPECTRUM PLANNING.

(a) PLANNING ACTIVITIES.—The Secretary and the Chairman of the Commission shall, at least twice each year, conduct joint spectrum planning meetings with respect to the following issues—

(1) future spectrum needs;

(2) the spectrum allocation actions necessary to accommodate those needs, including consideration of innovation and marketplace developments that may affect the relative efficiencies of different portions of the spectrum; and

(3) actions necessary to promote the efficient use of the spectrum, including proven spectrum management techniques to promote increased shared use of the spectrum as a means of increasing non-United States Government access; and innovation in spectrum utilization including means of providing incentives for spectrum users to develop innovative services and technologies.

(b) REPORTS.—The Secretary and the Chairman of the Commission shall submit a joint annual report to the President on the joint spectrum planning meetings conducted under subsection (a) and any recommendations for action developed in such meetings.

(c) OPEN PROCESS.—The Secretary and the Commission will conduct an open process under this section to ensure the full consideration and exchange of views among any interested entities, including all private, public, commercial, and governmental interests.

#### SEC. 404. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) IDENTIFICATION REQUIRED.—The Secretary shall prepare and submit to the President the reports required by subsection (d) to identify bands of frequencies that—

(1) are allocated on a primary basis for United States Government use and eligible for licensing pursuant to section 305(a) of the Communications Act;

(2) are not required for the present or identifiable future needs of the United States Government;

(3) can feasibly be made available during the next 15 years after enactment of this title for use under the provisions of the Communications Act for non-United States Government users;

(4) will not result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from the potential non-United States Government uses; and

(5) are likely to have significant value for non-United States Government uses under the Communications Act.

(b) AMOUNT OF SPECTRUM RECOMMENDED.—

(1) IN GENERAL.—The Secretary shall recommend as a goal for reallocation, for use by non-United States Government stations, bands of frequencies constituting a target amount of 200 MHz, that are located below 6 GHz, and that meet the criteria specified in paragraphs (1) through (5) of subsection (a). If the Secretary identifies (as meeting such criteria) bands of frequencies totalling more than 200 MHz, the Secretary shall identify and recommend for reallocation those bands (totalling not less than 200 MHz) that are likely to have the greatest potential for non-United States Government uses under the Communications Act.

(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary recommends be partially retained for use by United States Government stations, but which are also recommended to be reallocated and made available under the Communications Act for use by non-United States Government stations, may be counted toward the target 200 MHz of spectrum required by paragraph (1) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the amount targeted by paragraph (1) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to United States Government stations under section 305 of the Communications Act are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by which United States Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential United States Government use to be made; and

(C) the operational sharing permitted under this paragraph shall be subject to procedures which the Commission and the Department of Commerce shall establish and implement to ensure against harmful interference.

(c) CRITERIA FOR IDENTIFICATION.—

(1) NEEDS OF THE UNITED STATES GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial provider;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable;

(C) seek to avoid—

(i) serious degradation of United States Government services and operations;

(ii) excessive costs to the United States Government and civilian users of such Government services; and

(iii) identification of any bands for reallocation that are likely to be subject to substitution for the reasons specified in section 405(b)(2)(A) through (C); and

(D) exempt power marketing administrations and the Tennessee Valley Authority from any reallocation procedures.

(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume such frequencies will be assigned by the Commission under section 303 of the Communications Act over the course of fifteen years after the enactment of this title;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for non-United States Government use;

(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

(E) consider the cost to reestablish United States Government services displaced by the reallocation of spectrum during the fifteen year period.

(3) COSTS TO THE UNITED STATES GOVERNMENT.—In determining whether a frequency band meets the criteria specified in subsection (a)(4), the Secretary shall consider—

(A) the costs to the United States Government of accommodating its services in order to make spectrum available for non-United States Government use, including the incremental costs directly attributable to the loss of the use of the frequency band; and

(B) the benefits that could be obtained from reallocating such spectrum to non-

United States Government users, including the value of such spectrum in promoting—

(i) the delivery of improved service to the public;

(ii) the introduction of new services; and

(iii) the development of new communications technologies.

(4) NON-UNITED STATES GOVERNMENT USE.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(5), the Secretary shall consider—

(A) the extent to which equipment is commercially available that is capable of utilizing the band; and

(B) the proximity of frequencies that are already assigned for non-United States Government use.

(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

(1) SUBMISSION OF REPORTS TO THE PRESIDENT TO IDENTIFY AN INITIAL 50 MHZ TO BE MADE AVAILABLE IMMEDIATELY FOR REALLOCATION, AND TO PROVIDE PRELIMINARY AND FINAL REPORTS ON ADDITIONAL FREQUENCIES TO BE REALLOCATED.—

(A) Within 3 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a report which specifically identifies an initial 50 MHz of spectrum that are located below 3 GHz, to be made available for reallocation to the Federal Communications Commission upon issuance of this report, and to be distributed by the Commission pursuant to competitive bidding procedures.

(B) The Department of Commerce shall make available to the Federal Communications Commission 50 MHz as identified in subparagraph (a) of electromagnetic spectrum for allocation of land-mobile or land-mobile-satellite services. Notwithstanding section 553 of the Administrative Procedure Act and title III of the Communications Act, the Federal Communications Commission shall allocate such spectrum and conduct competitive bidding procedures to complete the assignment of such spectrum in a manner which ensures that the proceeds from such bidding are received by the Federal Government no later than September 30, 1992. From such proceeds, Federal agencies displaced by this transfer of the electromagnetic spectrum to the Federal Communications Commission shall be reimbursed for reasonable costs directly attributable to such displacement. The Department of Commerce shall determine the amount of, and arrange for, such reimbursement. Amounts to agencies shall be available subject to appropriation Acts.

(C) Within 12 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a preliminary report to identify reallocable bands of frequencies meeting the criteria established by this section.

(D) Within 24 months after the date of enactment of this title, the Secretary shall prepare and submit to the President a final report which identifies the target 200 MHz for reallocation (which shall encompass the initial 50 MHz previously designated under subparagraph (A)).

(E) The President shall publish the reports required by this section in the Federal Register.

(2) CONVENING OF PRIVATE SECTOR ADVISORY COMMITTEE.—Not later than 12 months after the enactment of this title, the Secretary shall convene a private sector advisory committee to—

(A) review the bands of frequencies identified in the preliminary report required by paragraph (1)(C);

(B) advise the Secretary with respect to—

(i) the bands of frequencies which should be included in the final report required by paragraph (1)(D); and

(ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

(C) receives public comment on the Secretary's preliminary and final reports under this subsection; and

(D) prepare and submit the report required by paragraph (4).

The private sector advisory committee shall meet at least quarterly until each of the actions required by section 405(a) have taken place.

(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The private sector advisory committee shall include—

(A) the Chairman of the Commission, and the Secretary, or their designated representatives, and two other representatives from two different United States Government agencies that are spectrum users, other than the Department of Commerce, as such agencies may be designated by the Secretary; and

(B) Persons who are representative of—

(i) manufacturers of spectrum-dependent telecommunications equipment;

(ii) commercial users;

(iii) other users of the electromagnetic spectrum; and

(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum to be chosen by the Secretary.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The private sector advisory committee shall, not later than 12 months after its formation, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, such recommendations as the committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between United States Government users and non-United States Government users, and any dissenting views thereon.

(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—The Secretary shall, as part of the final report required by subsection (d)(1)(D), include a timetable for the effective dates by which the President shall, within 15 years after enactment of this title, withdraw or limit assignments on frequencies specified in the report. The recommended effective dates shall—

(1) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 406(a);

(2) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(3) be based on the need to coordinate frequency use with other nations; and

(4) avoid the imposition of incremental costs on the United States Government directly attributable to the loss of the use of frequencies or the changing to different frequencies that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequencies.

**SEC. 405. WITHDRAWAL OF ASSIGNMENT TO UNITED STATES GOVERNMENT STATIONS.**

(a) IN GENERAL.—The President shall—  
 (1) within 3 months after receipt of the Secretary's report under section 404(d)(1)(A), withdraw or limit the assignment to a United States Government station of any frequency on the initial 50 MHz which that report recommends for immediate reallocation;

(2) with respect to other frequencies recommended for reallocation by the Secretary's report in section 404(d)(1)(D), by the effective dates recommended pursuant to section 404(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a United States Government station of any frequency which that report recommends be reallocated or available for mixed use on such effective dates;

(3) assign or reassign other frequencies to United States Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

(4) publish in the Federal Register a notice and description of the actions taken under this subsection.

**(b) EXCEPTIONS.—**

(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in section 405(b)(2) exists, the President—

(A) may, within 1 month after receipt of the Secretary's report under section 404(d)(1)(A), and within 6 months after receipt of the Secretary's report under section 404(d)(1)(D), substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

(B) shall publish in the Federal Register a statement of the reasons for taking the action described in subparagraph (A).

(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

(A) the reassignment would seriously jeopardize the national security interests of the United States;

(B) the frequency proposed for reassignment is uniquely suited to meeting important United States Governmental needs;

(C) the reassignment would seriously jeopardize public health or safety; or

(D) the reassignment will result in incremental costs to the United States Government that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequency.

(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the final report of the Secretary under section 404(d)(1)(D) unless the substituted frequency also meets each of the criteria specified by section 404(a).

(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the effective dates recommended by the Secretary pursuant to section 404(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 406, the President may—

(A) withdraw or limit the assignment to United States Government stations on a later date that is consistent with such plan, by providing notice to that effect in the Federal Register, including the reason that withdrawal at a later date is required; or

(B) substitute alternative frequencies pursuant to the provisions of this subsection.

(c) COSTS OF WITHDRAWING FREQUENCIES ASSIGNED TO THE UNITED STATES GOVERNMENT; APPROPRIATIONS AUTHORIZED.—Any United States Government licensee, or non-United States Government entity operating on behalf of a United States Government licensee, that is displaced from a frequency pursuant to this section may be reimbursed not more than the incremental costs it incurs, in such amounts as provided in advance in appropriation Acts, that are directly attributable to the loss of the use of the frequency pursuant to this section. The estimates of these costs shall be prepared by the affected agency, in consultation with the Department of Commerce.

(d) There are authorized to be appropriated to the affected licensee agencies such sums as may be necessary to carry out the purposes of this section.

**SEC. 406. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.****(a) PLANS SUBMITTED.—**

(1) With respect to the initial 50 MHz to be reallocated from United States Government to non-United States Government use under section 404(d)(1)(A), not later than 6 months after enactment of this title, the Commission shall complete a public notice and comment proceeding regarding the allocation of this spectrum and shall form a plan to assign such spectrum pursuant to competitive bidding procedures, pursuant to section 408, during fiscal years 1994 through 1996.

(2) With respect to the remaining spectrum to be reallocated from United States Government to non-United States Government use under section 404(e), not later than 2 years after issuance of the report required by section 404(d)(1)(D), the Commission shall complete a public notice and comment proceeding; and the Commission shall, after consultation with the Secretary, prepare and submit to the President a plan for the distribution under the Communications Act of the frequency bands reallocated pursuant to the requirements of this title. Such plan shall—

(A) not propose the immediate distribution of all such frequencies, but, taking into account the timetable recommended by the Secretary pursuant to section 404(e), shall propose—

(i) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (ii), over the course of a 10-year period beginning on the date of submission of such plan; and

(ii) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

(B) contain appropriate provisions to ensure—

(i) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Communications Act (47 U.S.C. 157); and

(ii) the availability of frequencies to stimulate the development of such technologies; and

(C) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

(b) AMENDMENT TO THE COMMUNICATIONS ACT.—Section 303 of the Communications Act is amended by adding at the end thereof the following new subsection:

“(u) Have authority to assign the frequencies reallocated from United States Government use to non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991,

except that any such assignment shall expressly be made subject to the right of the President to reclaim such frequencies under the provisions of section 407 of the Emerging Telecommunications Technologies Act of 1991.”

**SEC. 407. AUTHORITY TO RECLAIM REASSIGNED FREQUENCIES.**

(a) AUTHORITY OF PRESIDENT.—The President may reclaim reallocated frequencies for reassignment to United States Government stations in accordance with this section.

(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

(1) UNASSIGNED FREQUENCIES.—If the frequencies to be reclaimed have not been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2).

(2) ASSIGNED FREQUENCIES.—If the frequencies to be reclaimed have been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2), except that the notification required by section 405(b)(1) shall include—

(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for their utilization; and

(B) an estimate of the cost of displacing the licensees.

(c) COSTS OF RECLAIMING FREQUENCIES.—Any non-United States Government licensee that is displaced from a frequency pursuant to this section shall be reimbursed the incremental costs it incurs that are directly attributable to the loss of the use of the frequency pursuant to this section.

(d) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under section 706 of the Communications Act (47 U.S.C. 606).

**SEC. 408. COMPETITIVE BIDDING.**

(a) COMPETITIVE BIDDING AUTHORIZED.—Section 309 of the Communications Act is amended by adding the following new subsection:

“(j)(1)(A) The Commission shall use competitive bidding for awarding all initial licenses or new construction permits, including licenses and permits for spectrum reallocated for non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, subject to the exclusions listed in paragraph (2).

“(B) The Commission shall require potential bidders to file a first-stage application indicating an intent to participate in the competitive bidding process and containing such other information as the Commission finds necessary. After conducting the bidding, the Commission shall require the winning bidder to submit a second-stage application. Upon determining that such application is acceptable for filing and that the applicant is qualified pursuant to subparagraph (C), the Commission shall grant a permit or license.

“(C) No construction permit or license shall be granted to an applicant selected pursuant to subparagraph (B) unless the Commission determines that such applicant is qualified pursuant to section 308(b) and subsection (a) of this section, on the basis of the information contained in the first- and second-stage applications submitted under subparagraph (B).

“(D) Each participant in the competitive bidding process is subject to the schedule of changes contained in section 8 of this Act.

“(E) The Commission shall have the authority in awarding construction permits or

licenses under competitive bidding procedures to (i) define the geographic and frequency limitations and technical requirements, if any, of such permits or licenses; (ii) establish minimum acceptable competitive bids; and (iii) establish other appropriate conditions on such permits and licenses that will serve the public interest.

"(F) The Commission, in designing the competitive bidding procedures under this subsection, shall study and include procedures—

"(i) to ensure bidding access for small and rural companies,

"(ii) if appropriate, to extend the holding period for winning bidders awarded permits or licenses, and

"(iii) to expand review and enforcement requirements to ensure that winning bidders continue to meet their obligations under this Act.

"(G) The Commission shall, within 6 months after enactment of the Emerging Telecommunications Technologies Act of 1991, following public notice and comment proceedings, adopt rules establishing competitive bidding procedures under this subsection, including the method of bidding and the basis for payment (such as flat fees, fixed or variable royalties, combinations of flat fees and royalties, or other reasonable forms of payment); and a plan for applying such competitive bidding procedures to the initial 50 MHz reallocated from United States Government to non-United States Government use under section 404(d)(1)(A) of the Emerging Telecommunications Technologies Act of 1991, to be distributed during the fiscal years 1994 through 1996.

"(2) Competitive bidding shall not apply to—

"(A) license renewals;

"(B) the United States Government and State or local government entities;

"(C) amateur operator services, over-the-air terrestrial radio and television broadcast services, public safety services, and radio astronomy services;

"(D) private radio end-user licenses, such as Specialized Mobile Radio Service (SMRS), maritime, and aeronautical end-user licenses;

"(E) any license grant to a non-United States Government licensee being moved from its current frequency assignment to a different one by the Commission in order to implement the goals and objectives underlying the Emerging Telecommunications Technologies Act of 1991;

"(F) any other service, class of services, or assignments that the Commission determines, after conducting public comment and notice proceedings, should be exempt from competitive bidding because of public interest factors warranting an exemption; and

"(G) small businesses, as defined in section 3(a)(1) of the Small Business Act.

"(3) In implementing this subsection, the Commission shall ensure that current and future rural telecommunications needs are met and that existing rural licensees and their subscribers are not adversely affected.

"(4) Monies received from competitive bidding pursuant to this subsection shall be deposited in the general fund of the United States Treasury."

(b) **RANDOM SELECTION NOT TO APPLY WHEN COMPETITIVE BIDDING REQUIRED.**—Section 309(i)(1) of the Communications Act is amended by striking the period after the word "selection" and inserting ", except in instances where competitive bidding procedures are required under subsection (j)."

(c) **SPECTRUM ALLOCATION DECISIONS.**—Section 303 of the Communications Act is

amended by adding the following new subsection:

"(v) In making spectrum allocation decisions among services that are subject to competitive bidding, the Commission is authorized to consider as one factor among others taken into account in making its determination, the relative economic values and other public interest benefits of the proposed uses as reflected in the potential revenues that would be collected under its competitive bidding procedures."

#### SEC. 409. DEFINITIONS.

As used in this title:

(1) The term "allocation" means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunications services.

(2) The term "assignment" means an authorization given by the Commission or the United States Government for a radio station to use a radio frequency or radio frequency channel.

(3) The term "Commission" means the Federal Communications Commission.

(4) The term "Communications Act" means the Communications Act of 1934 (47 U.S.C. 151 et seq.).

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

#### TITLE V—DISLOCATED WORKERS

##### SEC. 501. GENERAL ASSISTANCE TO DISLOCATED WORKERS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall, by regulation, establish for eligible dislocated workers—

(1) a program of readjustment allowances,

(2) a program for job training and related services substantially similar to the program under part A of title III of the Job Training Partnership Act (29 U.S.C. 1651, et seq.) and

(3) a program for job search and relocation allowances substantially similar to the program under part A of title III of the Job Training Partnership Act (29 U.S.C. 1651, et seq.)

(b) **ADMINISTRATION.**—The Secretary of Labor is authorized to enter into agreements with any State to assist in carrying out the programs under Subsection (a) in the same manners under the Job Training Partnership Act (29 U.S.C. 1651, et seq.)

(c) **ELIGIBLE DISLOCATED WORKERS.**—For purposes of this section, the term 'eligible dislocated worker' means any individual who meets the definition of Sec. 301 of title III of the Job Training Partnership Act.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Labor, for each of the fiscal years 1993, 1994, and 1995, the sum equal to the revenues raised in such fiscal year by the provisions of, and amendments made by, titles II, III, and IV of this Act in excess of the expenditures made in such fiscal year under title I of this Act, to carry out the purposes of this section.

##### SEC. 502. SPECIAL ASSISTANCE TO CERTAIN DISLOCATED WORKERS.

For the purposes of determining the programs and activities to be funded under part B of title III of the Job Training Partnership Act in program years 1991 and 1992, the Secretary of Labor shall give special consideration to providing services to dislocated workers in the timber industry in the State of Washington.

##### SEC. 503. REPORT ON THE FEASIBILITY AND UTILITY OF THE INSURED UNEMPLOYMENT RATE AND THE TOTAL UNEMPLOYMENT RATE.

The Secretary of Labor shall submit to the Congress, within the 12-month period begin-

ning on the date of the enactment of this Act, a comprehensive report setting forth the feasibility and utility of using a total unemployment rate versus an insured unemployment rate, adjusted to include those claimants who have exhausted their benefits, for purposes of triggering extended benefits and, if appropriate, revising the foregoing measures of unemployment to include seasonal adjustments.

#### TITLE VI—DEFICIT REDUCTION REQUIREMENT

##### SEC. 601. DEFICIT REDUCTION REQUIREMENT

(a) **CONGRESSIONAL FINDING.**—The Congress finds that this Act would be deficit neutral and, pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts (both increases and decreases) provided by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) **PRESIDENTIAL DETERMINATION.**—None of the preceding sections of this Act shall take effect unless the President makes a determination and notifies the Congress that this Act would be deficit neutral cumulatively for fiscal years 1991 through 1996; and, notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits a written designation of all direct spending amounts (both increases and decreases) provided by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BURNS. Mr. President, this legislation is being introduced as substitute for the extended unemployment benefits. I voted for the point of order on the budget with regards to the unemployment extended benefits. No matter how much I want to help the unemployed in my State, I cannot break the agreement that was hammered out and signed off by both parties of this body.

To do so, to break the budget, sends a wrong signal to the American people about our own discipline to control this runaway budget. This bill will allow us to do those items, such as extended benefits, and still operate in a fiscal responsible way.

I introduced a bill not long ago, but I fear it was too simple. I fear it was too simple for most folks to understand around this place. I called it the 4-percent solution—very simple, very direct, very straightforward. We could only spend 4 percent more in a yearly budget in any one given year based on the previous year's outlays. No program suffers. All is increased. I am saying that we could have handled this item of extended benefits in a fiscal and beneficial manner.

Let us take a look at some of the points of the substitute and see if it does not make sense, just good, old American common sense.

To those who would qualify, this substitute would help those who have gone beyond their unemployment period. It picks up retroactively.

Now it sounds provincial I know, but it is better for Montana because under the provisions of this bill, 2 weeks more benefits are added than in the so-called Bentsen bill. Couple retroactive and 2 weeks more benefits and they are worth fighting for.

It is paid for. It does not have to add to the national deficit, which is already out of control.

But, basically, what we see here is political posturing and it is costing the folks who need help every day. They that need will have to wait because of pure politics.

A case in point: If you want to put people to work, where is the highway bill? At midnight last night, as observed by my colleague from Montana, the Highway and Transportation Act ran out. Today, the States are expecting us to go to work and get them a new transportation bill. My colleague worked and slaved to hammer out a good, commonsense highway bill only to see it stalled and chewed up by partisan politics by the majority leadership in the House.

Today is October 1, and all States are expecting us, the U.S. Congress, to get our act together as reasonable men and women. We can also do some little things too, by repealing the luxury tax and by allowing some investment credit to get this economy on the move and broaden the work base. Maybe we would not even have to have extended unemployment benefits. That is what it all comes down to.

Let us put the people back to work. Americans are proud workers. They do not even like to draw unemployment. They would rather work. So let us, through the Tax Code and through the policy of this Government, put them back to work.

By Mr. KENNEDY (for himself and Mr. HATFIELD):

S. 1790. A bill to enhance America's global competitiveness by fostering a high skills, high quality, high performance work force, and for other purposes; to the Committee on Labor and Human Resources.

#### HIGH SKILLS COMPETITIVE WORKFORCE ACT

• Mr. KENNEDY. Mr. President, on behalf of Senator HATFIELD and myself, I am introducing a bill, the High Skills, Competitive Workforce Act of 1991, and offering an amendment to the bill.

The American economy is at a turning point, and the future standard of living for all Americans is at risk. Success in international competition and a high standard of living for our citizens depend in large measure on the education and skills of the Nation's work force. In turn, that means businesses must invest in workers and improve the way they produce goods and provide services.

Our major international competitors have long recognized this challenge, and they are ahead of us in meeting it.

They are all committed to a high productivity, high wage strategy for their economies, a strategy based on the best possible training and best possible education for all workers, and coordinated policies to achieve those two goals.

The United States does not yet have such a strategy. In fact, we are pursuing a low-wage strategy that is driving the standard of living down instead of up. As a result, we are at a competitive disadvantage in the new global economy, and the disadvantage is growing.

The High Skills, Competitive Workforce Act is designed to stimulate cooperation by business, labor, schools and colleges, and State and local governments to improve the education and training of the U.S. work force, and to develop new systems and strategies for meeting the needs of workers. The act:

Encourages development of voluntary educational and occupational standards of proficiency, to assess student performance and provide employers with meaningful information on worker skills;

Creates effective school-to-work transition program, including job assistance for students and graduates, work experience coordinated with school, and second-chance programs for dropouts;

Helps businesses reorganize to become high performance work organizations that can effectively meet international competition;

Increases the training and education of America's workers, by requiring employers to provide training, or contribute 1 percent of payroll to a State-administered training trust fund. Small businesses would be exempt from the requirement but would still be eligible for grants from the trust fund.

This effort has special urgency because the American standard of living is slipping and our international competitive position is eroding. We must invest in our work force, our people; they are the only truly competitive advantage in today's global economy. Companies can and do move across national boundaries. Technology is invented and applied around the globe. Capital flows through international exchanges, seeking the highest rate of return. Investing in our people is the key to America's economic success.

But in the United States, we are failing to make those investments, especially for our front-line work force—the men and women who build the cars, operate the computers, and carry out the millions of other jobs that make the economy go.

Alone among advanced economies, we have no effective programs to facilitate the school-to-work transition for young workers. Only 35 percent of workers have had any training on their current job, and most of that training consists of rudimentary instructions when they first started work.

Employers spend more funds on coffee breaks, lunch, and other paid rest

periods than they do on workers training. All of our major economic competitors invest more in training than we do. A new Japanese auto worker gets over 300 hours of training in the first 6 months of work. In contrast, American workers get less than 50 hours—a 6-to-1 advantage for the Japanese.

America cannot continue on this course. Our economic leadership is slipping away. Wages in other nations are growing faster. The American standard of living is no longer the highest in the world. Competing nations pay high wages and run international trade surpluses. By investing in training and education, we can put America on a new and more productive path. That is what this act is all about.

Development of the legislation was stimulated in large measure by the groundbreaking work of the Commission on the Skills of the American Work Force. That bipartisan group included business, labor, education, and government. Its 1990 report, "America's Choice," offered a bold outline for a comprehensive strategy to address these problems, and it helped to inspire much of the act we are introducing today.

The Commission was chaired by former Labor Secretaries William Brock and Ray Marshall. Its report states the issue succinctly: America's choice is between high skills or low wages. The report summons us to action before our economic decline becomes irreversible.

Because the problem is so fundamental and the strategy so sweeping, the issues addressed by the act are complex. They touch on every sector of society—educational institutions, State and local governments, private businesses, labor unions, community organizations, and others.

On an issue of this magnitude, all must participate. This is not a partisan issue, nor is it confined to a narrow set of interests. It touches all Americans. As we proceed with the legislation, we look forward to working with many others to refine the specific proposals and make them as effective as possible in meeting the immense challenge we face.

I chaired a hearing this morning before the Senate Committee on Labor and Human Resources at which testimony on the bill was presented by William Brock, Ray Marshall, and Ira Magaziner. Senator HATFIELD also testified, as did Majority Leader GEPHARDT and Representative RALPH REGULA, who have cosponsored the companion bill in the House of Representatives.

In future hearings, we will be asking business, labor, State and local officials, and community groups for their assistance in finding the best ways to achieve the purposes of the act.

Their input will be essential. This act relies on State, local, and private sec-

tor efforts to achieve its purposes. It is not a new centralized Federal program but an effort to catalyze and stimulate activities best carried out at the State and local level and in the private sector.

On many of the specific issues addressed by the act—occupational standards, school to work transition for high school graduates, second-chance programs for dropouts, training for front-line workers, and encouraging high performance work—superior examples already exist in the United States, efforts as good as any in the world. But these individual efforts are not being adequately replicated across the Nation. There is no national policy to support and encourage them. That is why we need this legislation.

A growing economy and an effective training system requires close cooperation between public and private training and employment providers. It cannot succeed without a major increase in private training efforts. This bill, like the OSHA bill I introduced a few weeks ago, seeks to find the best way that government can work with the private sector for the most effective pursuit of goals that we all share. Whether it be the plant-level health and safety committees we called for in the OSHA bill, or the increased private training effort called for here, we are not seeking new areas of regulation but allies in achieving a strong and just economy. We want to find private multipliers for public programs, because we know that otherwise those programs will fail.

The American economy is in more trouble than any of us like to admit. We can continue to pursue a low-wage "live for the moment" strategy, but that shortsighted step will worsen our long-run problems and put us in a "race to the bottom." That is a race that we cannot win and should not run. No other major nation is pursuing such a strategy and neither should the United States.

The American dream has always been that our children will have better lives. If we do not turn back from our current course, that dream will fail for the next generation, and perhaps for the next century, and America will become a lesser land.

There is another path. We can return to a high-wage, high-productivity, competitive strategy, with the promise of a better standard of living for all Americans, not just for the few who can escape the receding tide. The act that we have introduced today can make a major contribution to implementing that strategy, so that future generations can continue to build on the promise of this country. The required steps will not be painless or easy, but they are necessary for a better and brighter future.

Mr. President, I ask unanimous consent that the bill and the summary of the bill be printed in the RECORD.

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

S. 1790

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "High Skills, Competitive Workforce Act of 1991".

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title and table of contents.  
Sec. 2. Definitions.

**TITLE I—FINDINGS AND NATIONAL POLICY**

Sec. 101. Findings.  
Sec. 102. Purpose and national policy declarations.

**TITLE II—STANDARDS OF EXCELLENCE IN EDUCATION AND TRAINING**

Sec. 201. Purpose.  
Sec. 202. Professional and technical standards for occupational training.  
Sec. 203. Educational standards and assessments.  
Sec. 204. Information on education and training programs.

**TITLE III—SCHOOL-TO-WORK TRANSITION**

Sec. 301. Findings and purpose.  
    **Subtitle A—Career Preparation**  
Sec. 311. Career preparation.  
    **Subtitle B—Community Youth Employment Compacts**  
Sec. 321. Community Youth Employment Compacts.

**Subtitle C—Youth Opportunity Centers**

Sec. 331. Youth Opportunity Centers.  
    **Subtitle D—Technology Education and Partnership Programs**  
Sec. 341. Purpose.  
Sec. 342. Technology education.  
Sec. 343. College and company technology partnerships.  
Sec. 344. Grants for development of new training technologies.

**TITLE IV—HIGH PERFORMANCE WORK ORGANIZATION**

Sec. 401. Findings and purpose.  
Sec. 402. High performance work organization.  
Sec. 403. Malcolm Baldrige National Quality Award.

**TITLE V—HIGH SKILLS TRAINING CONSORTIA**

Sec. 501. High skills training consortia.  
Sec. 502. Application to antitrust laws.  
Sec. 503. Antitrust limitation on recovery.  
Sec. 504. Antitrust attorney's fees.  
Sec. 505. Disclosure of high skills training consortia.  
Sec. 506. Authorization of appropriations.

**TITLE VI—STATE AND REGIONAL EMPLOYMENT AND TRAINING SYSTEMS**

Sec. 601. Start up grants for State and regional employment and training systems.  
Sec. 602. Study on Federal employment and training programs.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) **CERTIFICATION OF MASTERY.**—The term "certification of mastery" means the documented attainment of the occupational proficiency standards established pursuant to section 202.

(2) **FRONT-LINE WORKER.**—The term "front-line worker" means a nonsupervisory, nonmanagerial employee who is directly engaged in the production of goods or the provision of services.

(3) **HIGH PERFORMANCE WORK ORGANIZATION.**—The term "high performance work organization" means work organized in accordance with the following principles—

(A) the decentralization of authority and responsibility, with more authority provided directly to workers to use judgment and make decisions;

(B) the integration of work into whole jobs rather than discrete tasks;

(C) the availability of extensive channels of communication flowing up, down, or across the organization and among workers;

(D) the achievement of higher ratios of direct to indirect labor;

(E) the design of the work environment to facilitate interaction among workers; and

(F) the integration of work with formal and informal education programs to expand the cognitive capacities and work skills of workers.

**TITLE I—FINDINGS AND NATIONAL POLICY**

**SEC. 101. FINDINGS.**

Congress finds that—

(1) the United States has become part of a highly competitive global economy in which success is tied to providing high quality products and services that rapidly respond to a wide variety of shifting consumer tastes;

(2) within today's increasingly integrated and competitive markets for goods and services, productivity growth is key to maintaining and improving the United States standard of living is productivity growth;

(3) business firms that are best equipped to achieve high productivity growth and succeed in the global market place are those that—

(A) have systematically reorganized themselves to produce high performance, high quality work; and

(B) employ flexible and well-trained workforces capable of operating, interpreting, and maintaining complex equipment, processes and facilities;

(4) enhancing human capital for effective economic performance requires high quality—

(A) early childhood education;

(B) primary and secondary education;

(C) programs for school-to-work transition; and

(D) continuing education and training for workers after they have entered the workforce;

(5) the record of the United States, relative to its competitors, in each of the areas described in paragraph (7) is seriously deficient, in that—

(A) United States children are ill-prepared when they enter school and subsequently do poorly in all international comparisons in key subjects such as mathematics, science, foreign languages, and geography;

(B) in contrast to many competitor nations, the United States has virtually no programs to provide support for youth in making the transition from school to gainful employment;

(C) the vast majority of American workers who do not attend or complete college re-

ceive little or no training for the remainder of their working lives; and

(D) in general, United States employers invest far less in worker training than their international competitors, particularly in training for front line, nonsupervisory workers;

(6) as a consequence of these policies, real wages have declined and there is rising inequality in wages between those who are well-trained and those who are not;

(7) since global economic competition is making it impossible for the United States to maintain a high standard of living for the majority of its people without changes in human capital policy, the choice facing the United States is either to become a Nation of high skills or one of declining living standards;

(8) if the United States is to become a Nation of high skills and high performance work organization, there must be a fundamental change in the approach of the United States to work, education and training; and

(9) to accomplish that change, American business, labor, Federal, State, and local governments, and the education community must join together and invest the time, talent, and resources necessary to encourage businesses to adopt high performance forms of work organization and build a highly skilled, highly productive workforce that is second to none.

#### SEC. 102. PURPOSE AND NATIONAL POLICY DECLARATIONS.

(a) PURPOSE.—It is the purpose of this Act to ensure the success of American products and services in international competition and to improve the standard of living for all Americans by promoting—

(1) the adoption of high performance forms of work organization fully utilizing the skills of front-line workers;

(2) the utilization of clear standards of excellence for professionalized occupational education and training in all aspects of America's training system;

(3) a variety of school-to-work programs to assist young people in making the transition into the workforce;

(4) increased private investment in the continuing education and training of the incumbent workforce; and

(5) the improved coordination of State and local training, job search and labor market information efforts.

(b) NATIONAL POLICY DECLARATIONS.—To fulfill the purpose described in subsection (a), it is declared to be the policy of the United States that—

(1) the Federal Government should encourage the development and adoption of a voluntary system of educational and occupational standards of proficiency and the attainment of such standards should be the goal with which worker training programs should be designed and subsequently evaluated;

(2) increased attention and resources should be given to providing adequate educational resources to students of all backgrounds, to school-to-work transition programs and to adult education and training, particularly for the 80 percent of the American workforce that does not graduate from college;

(3) American businesses should be encouraged to adopt high performance forms of work organization, through the provision of technical assistance and diagnostic services to employers and labor unions interested in implementing such organizational changes;

(4) in order for businesses to become high performance work organization, workforce

training, education, and other activities should emphasize increasing the education, skills, and direct authority and autonomy of front-line workers;

(5) the Federal role in assisting in the achievement of the purpose described in subsection (a) should be as a guide and catalyst for activities most appropriately carried out at the State, regional, and local level, through the provision of incentives, the establishment of broad strategic goals, the sponsoring of research and pilot projects, the dissemination of knowledge and information, and the undertaking of efforts to simplify and coordinate existing Federal resources; and

(6) business, labor, educational institutions, State and local governments, and community organization should all be involved in this effort, with the private sector playing a lead role.

(c) LIMITATIONS.—

(1) NONDISCRIMINATION.—All activities conducted or assessments developed under this Act (or the amendments made by this Act) shall be free of racial, ethnic, religious, gender and socioeconomic bias.

(2) RELOCATION.—None of the amounts appropriated under this Act (or the amendments made by this Act) may be used by States to attract or induce existing businesses or their subsidiary units to relocate from another State, or to engage in bidding for proposed businesses or their subsidiary units.

#### TITLE II—STANDARDS OF EXCELLENCE IN EDUCATION AND TRAINING

##### SEC. 201. PURPOSE.

It is the purpose of this title to—

(1) stimulate the adoption of a voluntary national system of industry-based, occupational standards and certifications of mastery;

(2) authorize the Office of Educational Research and Improvement to conduct research concerning the assessment of academic achievements and to carry out pilot projects for assessments in specific subject areas; and

(3) require the public release of independently audited information concerning education and training programs.

##### SEC. 202. PROFESSIONAL AND TECHNICAL STANDARDS FOR OCCUPATIONAL TRAINING.

(a) PURPOSE.—Recognizing that a high skills, high quality, high performance workforce requires that high caliber standards must be established and met, it is the purpose of this section to stimulate the adoption of a voluntary national system of occupational certification by establishing an independent national board to develop a system of industry-based, occupational proficiency standards and certifications of mastery for occupations within each major industry and occupations that involve more than one industry, for which no recognized standards currently exist.

(b) ESTABLISHMENT OF NATIONAL BOARD.—There is established a National Board for Professional and Technical Standards (hereafter referred to in this section as the "National Board").

(c) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 24 members appointed in accordance with paragraph (2)(A), representing business and industry, labor organization, educational institutions, technical associations, and others whose expertise reflects a broad cross section of industries and occupations, and two ex officio members in accordance with paragraph (2)(B). Representatives of labor organization shall be selected from

among individuals recommended by recognized national labor organizations.

(2) MEMBERSHIP.—

(A) APPOINTMENTS.—Members of the National Board shall be appointed as follows:

(i) Six members (three from each major political party) shall be appointed by the Speaker of the House of Representatives, upon the recommendations of the Majority and Minority Leaders of the House, respectively.

(ii) Six members (three from each major political party) shall be appointed by the President Pro Tempore of the Senate, upon the recommendations of the Majority and Minority Leaders of the Senate, respectively.

(iii) Six members shall be appointed by the Secretary of Labor.

(iv) Six members shall be appointed by the Secretary of Education.

(B) EX OFFICIO MEMBERS.—The Secretary of Labor and the Secretary of Education shall serve as ex officio members of the National Board.

(3) TERM.—Each member of the National Board shall be appointed under paragraph (2)(A) for a term of 3 years, except that of the initial members of the Board appointed under such paragraph—

(A) eight shall be appointed for a term of 1 year, of which two such members shall be from each class of appointees under each of the clauses (i) through (iv) of such paragraph;

(B) eight shall be appointed for a term of 2 years, of which two such members shall be from each class of appointees under each of the clauses (i) through (iv) of such paragraph; and

(C) eight shall be appointed for a term of 3 years, of which two such members shall be from each class of appointees under each of the clauses (i) through (iv) of such paragraph.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—The National Board shall annually elect a Chairperson and Vice Chairperson from among its members appointed under subsection (c)(2)(A), each of whom shall serve for a term of 1 year.

(e) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not regular full-time employees of the United States government shall serve without compensation.

(2) EXPENSES.—While away from their homes or regular places of business on the business of the National Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(f) STAFF.—The National Board shall appoint an Executive Director who shall be compensated at a rate determined by the Board that shall not exceed that under level 15 of the general schedules under title 5, United States Code, and who may appoint such staff as is necessary.

(g) INDUSTRY COMMITTEES.—

(1) ESTABLISHMENT.—The National Board shall establish advisory committees for each major industry and for major occupations that involve more than one industry, and shall appoint individuals to serve as members of such committees from among nominations submitted by each such industry. Each such committee shall include members selected from among individuals nominated by recognized national labor organizations representing employees in such industry or occupation.

(2) DUTIES.—Committees established under paragraph (1) shall, for each industry or occupation for which such committee is established—

(A) develop recommendations for proficiency standards for occupations within such industry that are linked to internationally accepted standards, to the extent practicable;

(B) develop assessments to measure competencies for such occupations;

(C) develop and recommend 2- to 5-year curricula for achieving such competencies that include structured work experiences and related study programs leading to technical and professional certificates or associate degrees; and

(D) evaluate the implementation of the standards, assessments, and curricula developed under this paragraph to make recommendations for their revision, where appropriate.

(3) LIMITATION.—No committee established pursuant to this section shall be authorized to develop standards, assessments or curricula for any occupation or trade for which recognized apprenticeship standards exist.

(4) DEADLINES.—

(A) IN GENERAL.—Not later than December 31, 1993, the National Board shall have identified at least 20 occupational categories and developed recommendations for occupational standards, curricula, and certifications for such occupations.

(B) COMPLETION OF CATEGORIES.—The National Board shall develop a program to ensure that the standards, curricula, and certifications for all remaining identified occupational categories are completed not later than January 1, 2000.

(5) ATTAINMENT OF STANDARDS.—Occupational proficiency standards developed under paragraph (2) should be applied in a manner such that the attainment of such standards is likely to meet the requirements for transferable credit and enable a student to continue his or her education, with a special emphasis on transferability among States.

(6) AVAILABILITY.—The occupational standards, curricula, and certification systems developed in accordance with paragraph (2) for an industry or occupation shall be made available for voluntary use by institutions of postsecondary education offering professional and technical education, labor organizations, trade and technical associations, employers providing formalized training, and any other organizations likely to benefit from such systems.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, \$15,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

#### SEC. 203. EDUCATIONAL STANDARDS AND ASSESSMENTS.

(a) POLICIES.—Section 405(a)(2) of the General Education Provisions Act (20 U.S.C. 1221e(a)(2)) is amended—

(1) in subparagraph (F), by striking out “and” at the end thereof;

(2) in subparagraph (G), by striking out the period and inserting in lieu thereof “; and”; and

(3) by adding at the end thereof the following new subparagraph:

“(H) encourage and promote research relative to internationally competitive standards in academic achievement.”.

(b) RESEARCH AND DEVELOPMENT NEEDS.—Section 405(b)(3) of such Act (20 U.S.C. 1221e(b)(3)) is amended—

(1) in subparagraph (H), by striking out “and” at the end thereof;

(2) in subparagraph (I), by striking out the period; and

(3) by adding at the end thereof the following:

“(J) conducting research into the development of a system of academic achievement and proficiency standards in specific subjects at appropriate age/grade levels;

“(K) conducting research into the development of curricula that are designed to facilitate the attainment of academic achievement in specific subject areas; and

“(L) developing multiple assessment tools, such as performance or proficiency assessments, assessments of student projects and assessments of the contents of a portfolio of student work in and across specific subject areas.

“For purposes of subparagraph (L)—

“(i) the term ‘student projects’ means extended participation in learning through planning and carrying out an applied learning activity; and

“(ii) the term ‘portfolio of student work’ means a collection of student products which demonstrate a command of knowledge or skill.”.

(c) ASSESSMENT PILOT PROJECTS.—Section 405(d) of such Act (20 U.S.C. 1221e(d)) is amended by adding at the end thereof the following new paragraph:

“(7)(A) The Secretary, from funds appropriated under this section, may award grants to entities otherwise eligible to receive funds under this Act, including State educational agencies and consortia of such agencies, for pilot projects to design, develop and evaluate Statewide or multi-State assessment systems for elementary school, middle school and high school students leading towards an assessment system that will be able to assist both educators and policymakers to improve instruction and advance student learning.

“(B) A Statewide or multi-State assessment system designed and developed with amounts received under this paragraph shall—

“(i) utilize widely agreed upon high standards that all students should be expected to meet;

“(ii) consist of multiple components, including—

“(I) performance assessments;

“(II) assessments of student projects; and

“(III) assessments of the contents of a portfolio of student work in specific subject areas and across subject areas;

“(iii) not be used to compare students, but rather to determine whether students have met the agreed upon standards of proficiency;

“(iv) encourage flexibility for students in attaining and demonstrating competence, recognizing that multiple forms of excellence exist; and

“(v) include a plan to assist all students in meeting the standards described in clause (i) through measures such as—

“(I) financial or other assistance and incentives to schools to improve student performance; and

“(II) staff development activities to assist staff in adapting curricula and teaching techniques to the needs of students of varying backgrounds.

“(C) A recipient of a grant under this paragraph shall include a broad participation of State and local education officials, business and community leaders, teachers, parents

and subject specialty organizations in the development of standards for mathematics, science, English, history, geography, civics and government, foreign languages, and the arts.

“(D) The Secretary shall ensure that the findings derived from evaluations of the assessment pilot projects under this paragraph are widely disseminated.

“(E)(i) There are authorized to be appropriated to carry out the pilot projects described in this paragraph, \$15,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. No amounts appropriated under this subparagraph may be obligated prior to publication of the final report of the National Council on Education Standards and Testing (established by Public Law 102-62).

“(ii) Amounts appropriated under clause (i) shall remain available until expended.”.

#### SEC. 204. INFORMATION ON EDUCATION AND TRAINING PROGRAMS.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end thereof the following new paragraph:

“(13) The institution certifies that information (that has been confirmed by independent audit) shall be released to the public concerning programs offered by the institution, the number of students enrolled in each such program, the costs to the students of such programs, the characteristics of students participating in each such program, the student completion rate for each such program, and other outcomes, including, where appropriate, job placement rates and the employment status of program graduates for the 2-year period following the completion of studies.”.

#### TITLE III—SCHOOL-TO-WORK TRANSITION

##### SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) as workplace demands increase for better educated and skilled workers, many young Americans are finding it increasingly difficult to make an effective transition from school to work;

(2) while this is especially true for those without a high school diploma, it also applies to those who have only a high school diploma and to those who have some college credit, but do not have a baccalaureate degree;

(3) most of the leading international competitors of the United States have invested heavily in extensive school-to-work transition programs; and

(4) the United States has virtually no such programs despite the fact that 25 percent of American youths do not finish high school and about 50 percent do not go on to college.

(b) PURPOSE.—It is the purpose of this title to promote the establishment of a nationwide system of school-to-work transition programs to aid American youths in becoming productive participants in a high skills, high quality, high performance, United States workforce by awarding grants to support—

(1) career preparation programs to provide young Americans with information concerning career options and skill development opportunities comparable to those afforded by school-to-work transition programs in competitor nations;

(2) community career services programs to provide youth attending high school or alternative education programs with job coaching services and organized access to private sector work experience and jobs upon graduation;

(3) Youth Opportunity Centers to provide school dropouts with alternative means of

attaining educational proficiency standards and making the transition into productive employment; and

(4) partnerships between colleges and business organizations to promote advanced technical education and training for American youths; and

#### Subtitle A—Career Preparation

##### SEC. 311. CAREER PREPARATION.

(a) PURPOSE.—It is the purpose of this section to facilitate the transition from school to work for American youth through—

(1) the establishment of programs that integrate academic instruction and work experience; and

(2) the dissemination of information on specific career options.

(b) CAREER PREPARATION DEMONSTRATION PROGRAMS.—

(1) GRANTS.—The Secretary of Labor (hereafter referred to in this subsection as the "Secretary"), in consultation with the Secretary of Education, shall, to the extent appropriations are available, award grants to eligible entities to plan, establish, support and evaluate career preparation programs in accordance with this subsection.

##### (2) REQUIREMENTS OF PROGRAM.—

(A) IN GENERAL.—Programs established using amounts received under this subsection shall—

(i) involve students in grades seven through ten who are prospective participants in career preparation programs in activities to learn about a wide variety of career possibilities through career awareness programs and career counseling conducted in cooperation with local businesses, labor organizations and academic institutions;

(ii) provide eleventh and twelfth grade students with the opportunity to voluntarily enter into career preparation programs that integrate academic instruction with instruction in the workplace leading to a high school diploma, community college degree, or occupational certificate of mastery;

(iii) provide participants, upon completing such programs, with assistance in seeking post-program employment in their program field.

(B) REQUIREMENTS OF 2-YEAR PROGRAMS.—In the case of career preparation programs that are for 2-year periods, participants in such programs shall be required to receive in-school training under such program in a high school or vocational educational institution, Youth Opportunity Center established under section 331, or alternative State approved institution.

(C) REQUIREMENTS OF 3- OR 4-YEAR PROGRAMS.—In the case of career preparation programs that are for 3- or 4-year periods, participants in such programs shall be required to receive the first 2 years of in-school training under such program in a high school, vocational educational institution, or a Youth Opportunity Center established under section 331 and the third or fourth years of in-school training in a community college, technology college, or vocational educational institution, or such other institution as the State may approve.

(D) FLEXIBILITY.—Participants in programs under this subsection shall be afforded maximum flexibility with respect to the training course that such participants choose, by enabling such participants to elect to transfer—

(i) from a career preparation program to a conventional academic program; and

(ii) from one career preparation program to another that is in a different field.

(E) COORDINATION.—Standards of achievement applicable to a career preparation program established under this subsection shall

be coordinated by the implementing organization or consortium with the appropriate Regional Employment and Training Board established under section 601(c)(3) if such Board exists.

(3) ELIGIBLE OCCUPATIONS.—The Secretary shall designate various occupations for which demonstration grants under this subsection may be awarded and shall ensure that in awarding such grants a wide variety of such occupations are represented. Grants may not be awarded under this subsection for occupations for which there exist registered apprenticeship programs.

(4) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall—

(A) be a labor union, business firm, industry association, public school, school district, local education agency, community college, vocational educational institution, or other not-for-profit training organization, or a consortium made up of two or more of such organizations which has established, or which plans to establish, a program, in accordance with such regulations as the Secretary may prescribe, for the purpose of developing and implementing a career preparation program under a grant received under this subsection; and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the program to be implemented using amounts received under the grant and a commitment from a school or school district to participate in implementing the program.

(5) REGIONAL DISTRIBUTION.—In awarding grants under this subsection, the Secretary shall ensure that a reasonably equitable distribution of grants under this subsection is achieved among the 10 Department of Labor regions.

(6) PRIORITY CONSIDERATION.—In awarding grants under paragraph (1), the Secretary shall accord priority consideration to those applications that have been approved by the appropriate Regional Employment and Training Board established under section 601(c)(3) if such Board exists and that include assurances that—

(A) the program will have a duration of at least 3 years, including at least 1 year of postsecondary education;

(B) extracurricular activities that reinforce general learning objectives will be provided;

(C) a year-round program with a structured summer component integrating school and work will be provided;

(D) well-informed career counselors in middle, high, and alternative schools will be available to provide liaison between students and teachers, students and employers, schools and parents, schools and employers, and secondary schools and postsecondary schools;

(E) private businesses and employee representatives will have a prominent role in the design and operation of the program;

(F) formal contracts will be entered into between the participants and their employers that are approved by the career counselor and that provide for—

(i) structured wage increases over the course of the program;

(ii) clear-cut goals and objectives that set forth the type of work to be performed, the skills to be learned and the type and amount of training to be provided by the employer;

(iii) one-on-one workplace mentors for the participants;

(iv) systematic performance evaluations;

(v) employment commitments during the summer and other school vacations; and

(vi) hiring priority for graduates of the program;

(G) instructional personnel from educational institutions will be involved as an integral part of the program, including their meaningful participation in orientation, training, and staff development; and

(H) a community college or colleges will be involved in the program and will offer priority admission for program participants, a specific course or courses designed for program participants, and flexibility in course scheduling that enables participants to meet their employment and training requirements.

(7) EVALUATION.—Not later than January 15, 1996, the Secretary shall conduct a comprehensive evaluation of the program established under this subsection and shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a complete report concerning such evaluation, together with recommendations for any changes in the program.

##### (8) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection, \$60,000,000 for fiscal year 1993, \$70,000,000 for fiscal year 1994, \$80,000,000 for fiscal year 1995, \$90,000,000 for fiscal year 1996, and \$100,000,000 for fiscal year 1997.

(B) AVAILABILITY.—Amounts appropriated under subparagraph (A) shall remain available until expended.

##### (c) CAREER INFORMATION MATERIALS.—

(1) GRANTS.—The Secretary of Education, in consultation with the Secretary of Labor and the Director of the National Science Foundation, shall make grants or enter into contracts or cooperative agreements with appropriate business, labor, educational technology, and multimedia production organizations to enable such entities and organizations to design and develop career videos and other career informational materials intended to convey to students in seventh through twelfth grades an awareness and a realistic understanding of a wide variety of specific career options, through the utilization of advanced educational technologies, such as interactive video, CD-ROM, and multimedia computer software.

(2) APPLICATION.—To be eligible to receive a grant under this subsection an entity shall prepare and shall submit an application to the Secretary of Education at such time, in such manner and accompanied by such information as the Secretary may reasonably request.

(3) DISSEMINATION.—The Secretary of Education shall provide the career informational materials developed under paragraph (1) to all States and encourage States to disseminate and foster the utilization of such career informational materials in school districts throughout each State as part of overall career awareness programs. Such programs should also include trips to work sites, school career days, workshops, and demonstrations to expose students to the career options open to them and to encourage them to study the subjects and obtain skill proficiencies necessary to enter careers to which they are attracted.

##### (4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection, \$10,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(B) AVAILABILITY.—Amounts appropriated under subparagraph (A) shall remain available until expended.

**Subtitle B—Community Youth Employment Compacts**

**SEC. 321. COMMUNITY YOUTH EMPLOYMENT COMPACTS.**

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) a lack of good market information and the absence of a coordinated system of labor market services contributes to the difficulty many young people experience in attempting to gain access to existing private sector jobs; and

(B) to be effective, a community career service program requires—

(i) the collaboration of educational institutions, business, labor organizations, and local governments in the design and implementation of the program;

(ii) a commitment from employers in the community to organize job opportunity programs to provide jobs to youth who stay in school during the school year, in the summer and upon graduation;

(iii) career specialists serving as job coaches and job developers to work with individual students and employers; and

(iv) the establishment of goals and accountability measures for the community.

(2) PURPOSE.—It is the purpose of this section to provide incentives to establish comprehensive community career service programs to provide young people attending public school, Youth Opportunity Centers, and other alternative education settings, with organized access to private sector work experience, full-time jobs upon graduation and, where practicable, additional opportunities to learn including technical and professional training.

(b) GRANTS.—The Secretary of Labor (hereafter referred to in this subtitle as the "Secretary"), in consultation with the Secretary of Education, shall, to the extent appropriations are available, award incentive grants to eligible entities for the establishment of collaborative public-private Community Career Service Programs to organize the youth labor market within the community and to assist youth attending high school or alternative education programs by providing such youth with job coaching services and access to private sector work experience and jobs upon graduation.

(c) GUIDELINES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall promulgate—

(A) guidelines for the establishment and operation of Community Youth Employment Compacts; and

(B) criteria that the Secretary will utilize to assure an equitable distribution of grants among eligible States.

(2) COMPLIANCE.—An entity that receives a grant under subsection (b) shall comply with the guidelines promulgated under paragraph (1)(A).

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (b), an entity shall—

(1) be an existing entity, such as a private industry council, or a new entity established to serve an appropriate labor market area;

(2) include members representing business, labor organizations, educational institutions, community groups and State or local government; and

(3) prepare and submit to the Secretary an application in such manner and containing such information as the Secretary may require, including—

(A) a description of the community youth employment compact program, that shall meet the requirements of subsection (e), that the entity intends to implement using amounts received under the grant;

(B) an agreement on the part of the local business community to conduct community-wide, annual campaigns to enlist a substantial number of private sector firms in achieving stated goals for providing summer jobs and part-time jobs during the school term to youth in the program and to provide priority hiring of high school graduates served by the program who meet company standards;

(C) a demonstration of the commitment of local educational institutions, labor organizations and community to the program;

(D) an assurance that services provided by career specialists will be widely available to young people in secondary educational institutions in the community;

(E) an assurance that the State and local funds required under subsection (f) will be made available;

(F) a description of the process by which program goals will be set;

(G) an assurance that an independent evaluation of the program will be conducted annually to determine the effectiveness of services provided to participants;

(H) a description of the measurable outcomes to be used to evaluate the program under subparagraph (G) including employment placements, tenure on the job, wages, type of employment and further education of participants;

(I) a description of the management information system to be used to record such outcomes;

(J) an assurance that the independent evaluation conducted under subparagraph (G) will be submitted to the appropriate Regional Employment and Training board established under section 601(c)(3), if such Board exists; and

(K) a certification that the application has been reviewed and approved by the appropriate Regional Employment and Training Board, if such Board exists.

(e) USE OF GRANTS.—An entity shall use amounts received under a grant awarded under subsection (b) to—

(1) employ career specialists to provide students with labor market information, assess student readiness to enter the job market, arrange job interviews for students, assist students in preparing for interviews, provide follow-up on-the-job counseling, maintain records, and act as a liaison with employers in developing job opportunities for students;

(2) manage annual summer job campaigns;

(3) facilitate linkages between employment and further learning opportunities for students participating in the program;

(4) establish goals, maintain records and report regularly to community; and

(5) provide program management services.

(f) ELIGIBLE INDIVIDUAL PARTICIPANTS.—A Community Youth Employment Compact that receives assistance under a grant awarded under subsection (b) shall provide services only to those youth in good standing at public schools, Youth Opportunity Centers and other recognized alternative education institutions within the labor market area.

(g) STATE AND LOCAL CONTRIBUTIONS.—The Secretary may not make a grant under subsection (b) to an applicant unless the applicant agrees that, with respect to the costs to be incurred by the applicant in carrying out the program for which the grant was awarded, the applicant will make available (di-

rectly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than \$1 for every \$1 of Federal funds provided under the grant.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

**Subtitle C—Youth Opportunity Centers**

**SEC. 331. YOUTH OPPORTUNITY CENTERS.**

(a) PURPOSE.—It is the purpose of this section to provide, through States, incentives to local communities to enable such communities to establish Youth Opportunity Centers to provide high school dropouts a second chance to achieve competencies equivalent to those of youth who remain in school and offer such youths an alternative path to further learning and to successful and productive participation in the workforce.

(b) GRANTS.—The Secretary of Labor (hereafter referred to in this subtitle as the "Secretary") in consultation with the Secretary of Education, shall, to the extent appropriations are available, award grants to States to enable such States to provide incentives to local communities to establish Youth Opportunity Centers to provide comprehensive alternative education and school-to-work transition services to high school dropouts who have not attained the age of 21.

(c) GUIDELINES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall promulgate—

(A) guidelines for the establishment and operation of Youth Opportunity Centers; and

(B) criteria that the Secretary will utilize to assure an equitable distribution of grants among eligible States.

(2) COMPLIANCE.—A State or other entity that receive assistance under subsection (b) shall comply with the guidelines promulgated under paragraph (1)(A).

(d) APPLICATIONS BY STATES.—To be eligible to receive a grant under subsection (b), a State shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including—

(1) a description of the system established or proposed to be established by the State to serve youth in the State who meet the criteria for eligibility established under paragraph (3), including the number of Youth Opportunity Centers established or proposed to be established, the number of youths proposed to be served at such Centers, and the services proposed to be provided at such Centers;

(2) an assurance of participation by representatives of employers, labor organizations, educational institutions, community based organizations, and State education, labor and economic development agencies in the design and implementation of the system;

(3) an assurance that, for each youth enrolled in a Youth Opportunity Center assisted with amounts provided under this section, the State will make available to such Center an amount equal to 100 percent of the average per pupil expenditure from State sources for students attending public secondary schools in the State;

(4) an assurance that existing Federal, State, and local resources will be utilized to the maximum extent feasible for educational

and employment assistance to dropouts in each Youth Opportunity Center, and that Federal assistance awarded under this section will be used to fill gaps in services and assist in planning and coordinating existing services, thereby supplementing but not replacing existing Federal, State and local resources;

(5) an assurance that an independent evaluation will be conducted annually to determine the effectiveness of each Center established with assistance provided under subsection (b);

(6) a description of the measurable outcomes to be used by the State to evaluate the performance of each Youth Opportunity Center under paragraph (5), including high school completion or the equivalent thereof, attainment of recognized competencies such as certifications of mastery, enrollment in postsecondary education, enrollment in a career preparation program or registered apprenticeship program, and enlistment in the Armed Forces; and

(7) an assurance that the independent evaluations conducted under paragraph (5) will be submitted annually to the Secretary and to the appropriate Regional Employment and Training Board established under section 601(c)(3), if such Board exists.

(e) USE OF GRANTS.—

(1) IN GENERAL.—A State shall use amounts received under a grant awarded under subsection (b) to provide assistance to eligible entities to enable such entities to establish and operate Youth Opportunity Centers in local communities to serve all eligible youth in such communities. States may provide assistance to fund one or more Youth Opportunity Centers that meet the requirements of paragraph (2), and such other requirements as the State may establish, including requirements for the equitable distribution of such Centers between urban and rural areas of the State. Assistance provided to an eligible entity under this section shall be made available over a 3-year period.

(2) ELIGIBLE ENTITIES.—To be eligible to receive assistance under this subsection, an entity shall—

(A) be an existing entity such as a school board or private industry council, or a new entity established to serve an appropriate labor market area, which has established or which plans to establish a Youth Opportunity Center to provide alternative services to high school dropouts;

(B) provide for participation by representatives of employers, labor organizations, educational institutions, community based organizations, and local government in the design and implementation of the Youth Opportunity Center's programs; and

(C) prepare and submit to the State an application containing such information as the State may require, including—

(i) a description of the services meeting the requirements of paragraph (3) that the entity will make available to eligible participants through the Youth Opportunity Center;

(ii) an assurance that, for each youth enrolled in the Center, an amount equal to 100 percent of the average per pupil expenditure from local sources for students attending public secondary schools in the community or communities served by the Center will be made available to the Center;

(iii) an assurance that existing Federal, State and local resources will be utilized to the maximum extent feasible for educational and employment assistance to dropouts in the Center, and that Federal assistance awarded under this section will be used to

fill gaps in services and assist in planning and coordinating existing services, thereby supplementing but not replacing existing Federal, State and local resources;

(iv) an assurance of private sector participation in programs to be offered by the Center, including private firm commitments to priority hiring of participants and provision of summer, part-time and full-time employment to participants;

(v) an assurance that the services provided by the Center will be available to all eligible youth in the community served by the Center on a flexible schedule to enable students to go to school and attend training programs while working;

(vi) a description of the system to be used to enable participants to transfer from the Youth Opportunity Center to a conventional high school, including any services needed to facilitate such transfer and encourage its success; and

(vii) a certification that the application has been reviewed and approved by the appropriate Regional Employment and Training Board established under section 601(c)(3), if such Board exists.

(3) ELIGIBLE PARTICIPANTS.—Individuals eligible to participate in the programs established under this section shall include all youths—

(A) residing in the area served by the Youth Opportunity Center;

(B) who are not more than 21 years old;

(C) who have not received a high school diploma or equivalent; and

(D) who are not currently enrolled in another program leading to a high school diploma, GED, or certification under section 202.

(4) SERVICES TO PARTICIPANTS.—An eligible entity that receives assistance under this subsection shall make available to eligible participants alternative education services including—

(A) academic preparation to enable recipients to achieve a high school diploma, GED or other certificate of mastery approved by the State (or to return to a conventional high school to complete their secondary school education), and to then pursue postsecondary education or other further learning leading to professional certification in an occupation or trade;

(B) personal, academic, employment and career counseling;

(C) skill training;

(D) organized access to jobs and to paid work experience, including work-study programs, offering opportunities for career advancement beyond the unskilled entry level;

(E) access to a full range of social support services such as infant and child day care, individual and family counseling, one-on-one tutoring and drug and alcohol addiction rehabilitation services; and

(F) opportunities to participate in community service activities, organized athletics and other extracurricular activities including, to the maximum extent feasible, activities also involving students attending conventional high schools.

(5) CONTRACTS FOR PROVISION OF SERVICES.—

(A) IN GENERAL.—An eligible entity that receives assistance under this subsection shall provide the services described in paragraph (3) either directly or through contracts entered into with provider organizations on the basis of the demonstrated effectiveness or prospective performance of such organizations in meeting the needs of individuals who have not been able to succeed in conventional schools.

(B) ELIGIBLE ORGANIZATIONS.—Eligible provider organizations shall include community action agencies and other community based organizations, alternative schools, local school boards, community colleges, technical colleges, technical associations, business partnerships, consortia of education or training providers and other public and private entities.

(C) COMPETITIVE PROCESS.—The awarding of contracts under this paragraph shall be based on a fair competitive process in accordance with such procedures as the State may prescribe.

(f) WAIVERS OF OTHER PROGRAM REQUIREMENTS.—

(1) AUTHORITY.—With the approval of the Secretary, the Secretary of Education, and the Secretary of Health and Human Services, a State, in accordance with the requirements described in paragraph (2), may enter into agreements with independent local boards to combine amounts received under the programs described in paragraph (3) to provide services through Youth Opportunity Centers established under this section.

(2) REQUIREMENTS.—A waiver of the provisions of law that restrict the use of funds in the programs described in paragraph (3) may be granted only if the State demonstrates that the agreement under paragraph (1)—

(A) preserves the applicable targeting on the basis of income or special populations substantially in proportion to the funds to be combined;

(B) does not reduce the mandates and protections provided under the applicable Federal law regarding civil rights, non-discrimination, safety, and labor standards; and

(C) does not reduce any applicable maintenance of effort or comparability of services requirement in any program or alter the required distribution of funds.

(3) PROGRAMS.—The programs referred to in paragraphs (1) and (2) include—

(A) programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(C) programs under the Vocational Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(D) programs under the School Dropout Demonstration Assistance Act of 1988 (20 U.S.C. 5051 et seq.); and

(E) the JOBS program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.).

(g) ADMINISTRATIVE PROCEDURES.—

(1) MAINTENANCE OF FUNDING.—A State receiving a grant under this section shall ensure that all of the State funds which would otherwise be available, based on average per pupil expenditure, for a student attending a public secondary school in the State will be available for a student receiving alternative services through a Youth Opportunity Center under this section.

(2) STATE AND LOCAL CONTRIBUTION.—State and local sources shall contribute to a Youth Opportunity Center established under this section an amount equal to not less than 75 percent of the costs of the programs carried out by such Center.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, \$260,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

**Subtitle D—Technology Education and Partnership Programs**

**SEC. 341. PURPOSE.**

It is the purpose of this subtitle to promote programs to acquaint students with, and prepare students for, careers as engineers, technologists, or technicians.

**SEC. 342. TECHNOLOGY EDUCATION.**

(a) **STATEMENT OF PURPOSE.**—It is the purpose of this section to motivate and prepare a greater number of middle and secondary school students to subsequently take courses in 4-year colleges and institutes of technology, community colleges, and vocational educational institutes, leading to careers as engineers, technologists, technicians, or other occupations in high performance work organization.

(b) **PROGRAMS AUTHORIZED.**—The Director of the National Science Foundation (hereafter referred to in this subtitle as the "Director") is authorized to designate or establish a Precollege Technology Curriculum Development Program under which the Director shall make grants to, or enter into contracts or cooperative agreements with, appropriate institutions or organizations for the purpose of—

(1) developing and testing a comprehensive curriculum for middle school technology courses and demonstration units within courses that are aimed at introducing the students to modern technology;

(2) developing partnerships between technology businesses and nonprofit organizations designed to introduce students to the possibility of careers as engineers, technologists, or technicians;

(3) developing and testing a comprehensive curriculum for secondary school ninth or tenth grade level technology courses aimed at introducing the students to modern technology;

(4) developing and testing a comprehensive curriculum for secondary school eleventh and twelfth grade level advanced technology courses, including appropriate hands-on interaction with representative processes, techniques, equipment, instruments, and tools involved in engineering and technology to introduce students to the possibility of careers as engineers, technologists, or technicians, or other occupations in high performance work organization; and

(5) developing and administering teacher training summer institutes and school-year workshops for teachers who will be responsible for teaching under the curricula established under this subsection.

(c) **COORDINATION.**—The Director shall ensure that there is continuing communication and coordination among the organizations to which grants, contracts, or cooperative agreements are awarded under subsection (b) in order to preclude the unnecessary duplication of effort and promote the overall coherence of the programs authorized under this section.

(d) **PRIORITY CONSIDERATION.**—In awarding grants under subsection (b), the Director shall accord priority consideration to those applications that include provisions that the Director determines—

(1) will satisfactorily address the special needs of students who are either female or who belong to minority groups underrepresented in the fields of engineering and technology;

(2) demonstrate substantial private sector involvement; and

(3) will link students to further training in postsecondary institutions.

(e) **PROGRAM REQUIREMENTS.**—The Director shall—

(1) provide the results of the curriculum development activities conducted under paragraphs (1) and (2) of subsection (b) to the National Clearinghouse for Mathematics, Science, and Technology Education established under section 2012(d) of the Dwight D. Eisenhower Mathematics and Science Education Act (20 U.S.C. 2992(d)); and

(2) provide the necessary technical assistance and funds to the National Clearinghouse referred to in paragraph (1) for the widespread dissemination of the results of such curriculum development activities throughout the Nation's school districts.

(f) **APPLICATION.**—Each institution or organization desiring financial assistance pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section, \$20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

**SEC. 343. COLLEGE AND COMPANY TECHNOLOGY PARTNERSHIPS.**

(a) **SHORT TITLE.**—This section may be cited as the "College-Company Technology Partnership Act of 1991".

(b) **PURPOSE.**—It is the purpose of this section to encourage the formation of partnerships between companies and colleges educating students in technology, whereby such companies will assist such colleges in—

(1) aiding students in finding relevant part-time work relevant to their fields of study;

(2) developing curricula relevant to advanced technologies and high performance work organization;

(3) providing qualified instruction; and

(4) obtaining advanced equipment.

(c) **PROGRAM AUTHORIZED.**—The Director is authorized to make grants to, and enter into contracts or cooperative agreements with, eligible partnerships to carry out the activities described in subsection (b) in accordance with the provisions of this section.

(d) **ELIGIBLE PARTNERSHIP.**—For purposes of this section the term "eligible partnership" means at least one 4-year college of engineering technology or 2-year community college in partnership with a private company or companies.

(e) **PARTNERSHIP ACTIVITIES.**—Each eligible partnership receiving a grant or entering into a contract or cooperative agreement pursuant to the provisions of this section shall engage in two or more of the following activities:

(1) The company and its educational partner shall sponsor student work-study programs in which students spend part of their time in paid, supervised work in the partner company, for which the student shall receive appropriate academic credit.

(2) The company shall participate in a continuing, cooperative effort with its educational partner to develop curricula that are relevant to state-of-the-art conditions, techniques, processes, practices, and equipment used in the particular industries and technologies in which the company is involved.

(3) The company shall make available qualified personnel to teach full-time for limited periods, or on a part-time basis, in programs sponsored by the educational institution involved in the partnership.

(4) The company shall keep informed of the needs of its educational partner for equip-

ment, instrumentation, and tools relating to the technologies involved in the partnership, and to the extent practicable, make donations or long-term loans of such equipment, instrumentation, and tools to the educational partner.

(f) **APPLICATION.**—Each eligible partnership or institution desiring financial assistance pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

(g) **PRIORITY CONSIDERATION.**—In awarding grants under subsection (c), the Director shall accord priority consideration to applications that involve community colleges and have a central goal of promoting high performance work organization.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section, \$25,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) **AVAILABILITY.**—Amounts appropriated under paragraph (1) shall remain available until expended.

**SEC. 344. GRANTS FOR DEVELOPMENT OF NEW TRAINING TECHNOLOGIES.**

(a) **PURPOSE.**—It is the purpose of this section to promote the development and utilization of applied learning technologies and methods in educating and training a high skills workforce.

(b) **RESEARCH PROGRAM.**—The Office of Training and Technology Transfer of the Department of Education (established pursuant to Public Law 100-418) shall—

(1) enter into contracts or cooperative agreements with appropriate institutions or organizations for the purpose of developing applied learning technologies and methods for educating and training a high skills workforce capable of dealing effectively with advanced technologies in manufacturing, agriculture, and the service sector, particularly for those businesses seeking to implement high performance forms of work organization; and

(2) disseminate information concerning the applied learning technologies and methods referred to in paragraph (1) to other Federal agencies concerned with training, high schools, vocational and technical education institutions, community colleges, technical training centers, education or training consortia, and business, labor, and community groups involved in education and training.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section, \$10,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) **AVAILABILITY.**—Amounts appropriated under paragraph (1) shall remain available until expended.

**TITLE IV—HIGH PERFORMANCE WORK ORGANIZATION**

**SEC. 401. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

(1) the entities that have been competing most successfully in such global economy are those that have adopted high performance forms of work organization that reduce bureaucracy, decentralize decisionmaking, and emphasize worker responsibility and teamwork; and

(2) while high performance work organization require high skills training and increased wages for increased worker responsibilities, the resulting gains in productivity, quality, customer satisfaction, and sales far

exceed the costs of higher wages and skills development.

(b) **PURPOSE.**—It is the purpose of this title to provide information, incentives, and support designed to stimulate the private sector to replace the highly structured division of labor in American business with high performance forms of work organization that will enable Americans to excel in global competition.

**SEC. 402. HIGH PERFORMANCE WORK ORGANIZATION.**

(a) **GRANTS.**—The Secretary of Labor (hereafter referred to in this title as the "Secretary") shall, to the extent appropriations are available, award grants to eligible entities to stimulate high productivity and high quality by encouraging the adoption and utilization of high performance forms of work organization.

(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this section, an entity shall—

(1) be an employer organization, a trade or industry association, a postsecondary educational institution, a labor organization, a State economic development agency, a non-profit training organization, a State industrial extension program, an Advanced Technology Center, a National Manufacturing Technology Transfer Center or a partnership or a consortium of such entities;

(2) prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and

(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grants funds, in an amount equal to the amount required under subsection (d)(2).

(c) **USE OF AMOUNTS.**—An entity shall use amounts received under a grant awarded under this section to carry out activities to provide information and assistance to employers and labor organizations to stimulate the adoption of high performance forms of work organization through activities such as—

(1) the dissemination of information to local employers and labor organizations concerning successful training models and practices related to high performance forms of work organization;

(2) the provision of technical assistance to employers and labor organizations in identifying workplace practices and forms of work organization that impede high performance and productivity; and

(3) the provision of technical assistance to employers and labor organizations in developing and implementing plans to achieve high performance forms of work organization.

(4) the provision of assistance to employers and labor organizations for the development of joint employment and training programs.

(5) the provision of services to coordinate employment training with the introduction of new technologies; and

(6) the development and dissemination of employee training materials.

(d) **TERM OF GRANT AND NON-FEDERAL SHARE.**—

(1) **TERM.**—Grants awarded under this section shall be for a term of not to exceed 5 years.

(2) **NON-FEDERAL SHARE.**—Amounts required to be contributed by an entity under subsection (b)(3) shall equal—

(A) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;

(B) an amount equal to 40 percent of the amount provided under the grant in the third year for which the grant is awarded;

(C) an amount equal to 60 percent of the amount provided under the grant in the fourth year for which the grant is awarded; and

(D) an amount equal to 80 percent of the amount provided under the grant in the fifth year for which the grant is awarded.

An entity shall not be required to make a contribution during the first year for which the grant is awarded.

(e) **PRIORITY CONSIDERATION.**—In awarding grants under subsection (b), the Secretary shall accord priority consideration to those applications that emphasize small businesses and involve State economic development agencies and employer, trade, or industry associations.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section, \$40,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) **AVAILABILITY.**—Amounts appropriated under paragraph (1) shall remain available until expended.

**SEC. 403. MALCOLM BALDRIGE NATIONAL QUALITY AWARD.**

(a) **FINDINGS.**—Section 2(a) of the Malcolm Baldrige National Quality Improvement Act of 1987 (15 U.S.C. 3711a note) is amended—

(1) in paragraph (7), by striking out "and" at the end thereof;

(2) in paragraph (8)(D), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(9) improvements in quality and the enhanced competitiveness of United States business and industry are directly related to a skilled and flexible workforce and to the organization of work around high performance models."

(b) **EFFECTIVE QUALITY MANAGEMENT.**—Section 16(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)) is amended by adding at the end thereof the following new paragraph:

"(3) For purposes of this subsection, the term 'effective quality management' includes the upgrading of the skills of the workforce and the implementation of high performance forms of work organization that emphasize increased education, skills, and direct authority and autonomy of front-line workers in order to enhance productivity and quality."

**TITLE V—HIGH SKILLS TRAINING CONSORTIA**

**SEC. 501. HIGH SKILLS TRAINING CONSORTIA.**

(a) **SHORT TITLE.**—This title may be cited as the "High Skills Training Consortium Act of 1991".

(b) **PURPOSE.**—It is the purpose of this title to stimulate the private sector toward increasing American productivity, American competitiveness, and the American standard of living by strengthening the skills of the American work force in utilizing advanced technologies and techniques and adopting high performance work organization through the establishment of high skills training consortia of companies operating within the same industry or utilizing similar technologies.

(c) **PROGRAM AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Labor is authorized to—

(A) make planning grants to companies or trade associations to plan for the establishment of consortia; and

(B) pay the Federal share of start up grants to newly established consortia to pay the costs of the consortium's initial organization.

(2) **FEDERAL SHARE.**—For the purpose of paragraph (1)(B) the Federal share shall not exceed 50 percent.

(3) **PRIORITY.**—In awarding grants pursuant to paragraph (1), the Secretary shall accord priority consideration to consortia which—

(A) emphasize training for participation in high performance work organization;

(B) include employees and their representatives in the design and implementation of training programs;

(C) encourage the membership of firms that are not technologically advanced; and

(D) provide incentives to encourage and facilitate participation by small business firms.

(d) **PROGRAM REQUIREMENTS.**—Each consortium receiving a grant pursuant to this section shall—

(1) consist of two or more companies or trade associations operating within the same industry or utilizing the same technology or technologies; and

(2) develop, sponsor, or administer training and retraining programs to enable workers, especially front line nonsupervisory workers and first-line supervisors in both manufacturing and service industries, to function more effectively with new technologies, practices, and operate in high performance forms of work organization in the relevant industries and technical fields.

(e) **SHARED INVESTMENT IN TRAINING.**—The governing board of a consortium assisted with amounts received under this section is encouraged to design a system for shared investment in training established under this section in a manner that—

(1) provides an equitable fee structure for membership in the consortium and for utilization of its training programs;

(2) provides for differences in the size of member companies, with special attention provided to the needs of small business firms;

(3) takes account of the special characteristics of the companies, industries, and technologies involved in the consortium;

(4) contains sufficient flexibility to adjust for variations in training for different positions, skills, work situations, and other parameters; and

(5) allows for any necessary modification of the system as experience is gained in its operation.

**SEC. 502. APPLICATION TO ANTITRUST LAWS.**

In any action under the antitrust laws, as set forth in section 1(a) of the Act of October 15, 1914 (38 Stat. 730, ch. 323; 15 U.S.C. 12) popularly known as the "Clayton Act" and in section 5 of the Act of September 26, 1914 (38 Stat. 719, ch. 311; 15 U.S.C. 45), popularly known as the "Federal Trade Commission Act", the conduct of any person in making or performing a contract to establish, organize, administer, or participate in the programs of a consortium established pursuant to this section shall not be deemed illegal per se, but such conduct shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition.

**SEC. 503. ANTITRUST LIMITATION ON RECOVERY.**

(a) **RELIEF TO PERSONS.**—Notwithstanding section 4 of the Clayton Act (15 U.S.C. 15) and in lieu of the relief specified in such section, any person who is entitled to recovery

on a claim under such section shall recover the actual damages sustained by such person, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages as specified in subsection (d), and the cost of suit attributable to such claim, including a reasonable attorney's fee pursuant to section 504 of this Act if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 505(a) for a high skills training consortium; and

(2) is filed after such notification becomes effective pursuant to section 505(c).

(b) **RELIEF TO STATES.**—Notwithstanding section 4C of the Clayton Act (15 U.S.C. 15c), and in lieu of the relief specified in such section, any State that is entitled to monetary relief specified on a claim under such section shall recover the total damage sustained as described in subsection (a)(1) of such section, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such total damage as specified in subsection (d), and the cost of suit attributable to such claim, including a reasonable attorney's fee pursuant to section 4C of the Clayton Act if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 505(a) for a high skills training consortium; and

(2) is filed after such notification becomes effective pursuant to section 505(c).

(c) **LIMITATION ON DAMAGES.**—Notwithstanding any provision of any State law providing damages for conduct similar to that forbidden by the antitrust laws, any person who is entitled to recovery on a claim under such provision shall not recover in excess of the actual damages sustained by such person, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages as specified in subsection (d), and the cost of suit attributable to such claim, including a reasonable attorney's fee pursuant to section 504 if such claim—

(1) results from conduct that is within the scope of a notification that has been filed under section 505(a) for a training consortium; and

(2) is filed after notification has become effective pursuant to section 505(c).

(d) **INTEREST.**—Interest shall be awarded on the damages involved for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances.

(e) **APPLICABILITY.**—This section shall be applicable only if the challenged conduct of a person defending against a claim is not in violation of any decree or order, entered or issued after the date of enactment of this Act, in any case or proceeding under the antitrust laws challenging such conduct as part of a joint research and development venture.

#### SEC. 504. ANTITRUST ATTORNEY'S FEES.

(a) **IN GENERAL.**—Notwithstanding sections 4 and 16 of the Clayton Act, in any claim under the applicable antitrust laws, or any State law similar to such antitrust laws, based on the conduct of a high skills training consortium, the court shall, at the conclusion of the action—

(1) award to a substantially prevailing claimant the cost of suit attributable to such claim, including a reasonable attorney's fee; or

(2) award to a substantially prevailing party defending against any such claim the

cost of suit attributable to such claim, including a reasonable attorney's fee, if the claim, or the claimant's conduct during the litigation of the claim, was frivolous, unreasonable, without foundation, or in bad faith.

(b) **OFFSETS.**—The award made under subsection (a) may be offset in whole or in part by an award in favor of any other party for any part of the cost of suit, including a reasonable attorney's fee, attributable to conduct during the litigation by any prevailing party that the court finds to be frivolous, unreasonable, without foundation, or in bad faith.

#### SEC. 505. DISCLOSURE OF HIGH SKILLS TRAINING CONSORTIA.

(a) **NOTIFICATION.**—Any party to a high skills training consortium acting on such consortium's behalf, may, not later than 90 days after entering into a written agreement to form such consortium, or not later than 90 days after the date of enactment of this Act, whichever is later, file simultaneously with the Attorney General and the Federal Trade Commission a written notification disclosing—

(1) the identities of the parties to such consortium; and

(2) the nature and objectives of such consortium.

Any party to such consortium, acting on such consortium's behalf, may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 503. In order to maintain the protections of section 503, such venture shall, not later than 90 days after a change in its membership, file simultaneously with the Attorney General and the Federal Trade Commission a written notification disclosing such change.

(b) **PUBLICATION.**—Except as provided in subsection (e), not later than 30 days after receiving a notification filed under subsection (a), the Attorney General or the Federal Trade Commission shall publish in the Federal Register a notice with respect to such consortium that identifies the parties to such consortium and that describes in general terms the area of planned activity of such consortium. Prior to its publication, the contents of such notice shall be made available to the parties to such consortium.

(c) **CONVEYANCE OF PROTECTIONS.**—If, with respect to a notification filed under subsection (a), notice is published in the Federal Register, then such notification shall operate to convey the protections of section 503 as of the earlier of—

(1) the date of publication of notice under subsection (b); or

(2) if such notice is not so published within the time required by subsection (b), after the expiration of the 30-day period beginning on the date the Attorney General or the Federal Trade Commission receives the applicable information described in subsection (a).

(d) **EXEMPTION FROM CERTAIN DISCLOSURE REQUIREMENTS.**—Except with respect to the information published pursuant to subsection (b)—

(1) all information and documentary material submitted as part of a notification filed pursuant to this section; and

(2) all other information obtained by the Attorney General or the Federal Trade Commission in the course of any investigation, administrative proceeding, or case, with respect to a potential violation of the antitrust laws by the high skills training consortium with respect to which such notification was filed;

shall be exempt from disclosure under section 552 of title 5, United States Code, and

shall not be made publicly available by any agency of the United States to which such section applies except in a judicial or administrative proceeding in which such information and material is subject to any protective order.

(e) **WITHDRAWAL OF NOTIFICATION.**—Any person who files a notification pursuant to this section may withdraw such notification before notice of the high skills training consortium involved is published under subsection (b). Any notification so withdrawn shall not be subject to subsection (b) and shall not confer the protections of section 503 on any person with respect to whom such notification was filed.

(f) **JUDICIAL REVIEW.**—Any action taken or not taken by the Attorney General or the Federal Trade Commission with respect to notifications filed pursuant to this section shall not be subject to judicial review.

(g) **EVIDENCE.**—

(1) **ADMISSIBILITY.**—Except as provided in paragraph (2), for the sole purpose of establishing that a person is entitled to the protections of section 503, the fact of disclosure of conduct under section 505(a) and the fact of publication of a notice under section 505(b) shall be admissible into evidence in any judicial or administrative proceeding.

(2) **NONADMISSIBILITY.**—No action by the Attorney General or the Commission taken pursuant to this section shall be admissible into evidence in any such proceeding for the purpose of supporting or answering any claim under the antitrust laws or under any State law similar to the antitrust laws.

#### SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title, \$25,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(b) **AVAILABILITY.**—Amounts appropriated under subsection (a) shall remain available until expended.

#### TITLE VI—STATE AND REGIONAL EMPLOYMENT AND TRAINING SYSTEMS

##### SEC. 601. START UP GRANTS FOR STATE AND REGIONAL EMPLOYMENT AND TRAINING SYSTEMS.

(a) **START UP GRANTS.**—The Secretary of Labor (hereafter referred to in this title as the "Secretary") is authorized to award start up grants to States to assist such State in establishing Statewide systems for the provision of coordinated employment and training services.

(b) **APPLICATION.**—To be eligible for a start up grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including a description of the system that the State will establish using funds provided under such grant.

(c) **USE OF AMOUNTS.**—

(1) **IN GENERAL.**—A State shall use amounts received under a grant under this section to establish a Statewide system to provide for the coordinated administration of Federal, State and regional employment and training programs such as—

- (A) vocational education programs;
- (B) dropout prevention and recovery programs;
- (C) programs under the Job Training and Partnership Act;
- (D) adult education programs;
- (E) vocational rehabilitation programs;
- (F) the JOBS program under part F of title IV of the Social Security Act;
- (G) employment service programs;
- (H) activities of a High Skills Training Panel if such a Panel is established; and

(1) any other appropriate State and regional programs.

(2) PROVISION OF SERVICES.—Statewide systems established under paragraph (1) shall, to the extent permitted under applicable law, provide for the coordinated administration of programs through—

(A) common location for access to a variety of publicly funded training programs;

(B) standardized intake and assessment procedures;

(C) standardized data reporting systems;

(D) common performance and accountability measures, taking into account the needs and abilities of target groups in the workforce; and

(E) comprehensive labor market information and job matching services.

(3) REGIONAL EMPLOYMENT AND TRAINING BOARDS.—

(A) ESTABLISHMENT.—In addition to the activities described in paragraphs (1) and (2), a State shall use amounts received under a grant under this section to establish regional employment and training boards to coordinate the delivery of all employment and training services in regional labor market areas, including services delivered through the Youth Opportunity Centers established under section 331, the provision of labor market information, job placement services, job counseling and skill training.

(B) COMPOSITION.—Regional employment and training boards established under subparagraph (A) may be existing entities operating in the labor market area or new entities, and shall include representatives of employers, labor organizations, community based organizations, State economic development agencies, State labor agencies, educational institutions, local government, and representatives of individuals served through employment and training activities under this title, except that the majority of the board members and the board chairperson shall be representative of the private sector. The members of the boards representing labor organizations shall be selected from among individuals recommended by recognized State and local labor organizations.

(C) STRATEGIC PLAN.—Each board established under this paragraph shall develop, or cause to be developed, a strategic plan concerning the human resource needs in the region to be served by the board.

(D) REVIEW AND APPROVAL.—Each board established under this paragraph shall review and approve applications from eligible entities within its region for grants and loans from a High Skills Training Trust Fund if such Fund is established. For grants and loans below an amount to be specified by the State, the regional board's approval shall signify approval by the State board. The regional board shall also review and approve applications from eligible entities for Youth Opportunity Centers and may review and comment on other applications submitted for funds under this Act.

(E) EVALUATION.—A State shall ensure that an annual evaluation of the activities of each board within the State under this section shall be conducted by an appropriate independent organization that shall report its findings to the State.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

#### SEC. 602. STUDY ON FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of all Federal employment and training programs. Such study shall include—

(1) an inventory of all employment and training programs administered by the Federal Government, with the exception of those programs providing military training for non-civilian personnel, and a determination of the extent to which such programs have common objectives with respect to participants served, types of education, training or employment services provided and the delivery of such services; and

(2) a determination of whether Federal law impedes the effective delivery of employment and training services.

(b) REPORT.—Not later than January 1, 1993, the Comptroller General of the United States shall prepare and submit to the appropriate committees of Congress a report that shall contain recommendations for—

(1) the elimination or alleviation of duplication among employment and training services and for maximizing the effective use of Federal employment and training funds; and

(2) increased efficiency in administration and elimination of gaps in services under Federal employment and training programs.

#### THE HIGH SKILLS, COMPETITIVE WORK FORCE ACT OF 1991

##### SUMMARY

##### General

America's standard of living depends on competitive success in the global economy. That success, in turn, depends on meeting a new standard of high performance work that can be achieved only by a highly educated and skilled workforce. The High Skills, Competitive Workforce Act is designed to stimulate State and local government and the private sector to significantly improve the education and training of the U.S. workforce and accelerate the development of high performance work organization throughout U.S. industry. With a high skills, high quality, high performance workforce, America will be enabled to excel in global economic competition.

This Act: (1) sets forth national policies to achieve these goals; (2) promotes the voluntary development and adoption of standards of excellence in education, occupations, and training; (3) establishes school-to-work transition programs to enable American youths to enter the job market with initial mastery of requisite skills and to find initial employment; (4) promotes the creation of high performance work organizations throughout American industry; (5) fosters the creation of high skills training consortia through which firms can share the investment involved in worker training, without fear of antitrust violation; (6) encourages the coordination and consolidation of State and local employment and training systems; and (7) stimulates substantially increased investment in the training of front-line workers.

The Act authorizes appropriations of \$580 million for fiscal year 1993, with such sums as may be necessary for fiscal years 1994 through 1997, for the following components: (a) Standards of Excellence in Education and Training—\$30 million; (b) School-to-Work Transition—\$435 million; (c) High Performance Work Organizations—\$40 million; (d) High Skills Training Consortia—\$25 million; and (e) State and Local Employment and Training Systems—\$50 million; In general, these programs are structured so as to trigger substantial matching investments from State and local government and the private

sector. In addition, the title on Private Sector Investment in High Skills Workforce Training establishes a High Skills Training Trust Fund into which employers (excluding small businesses) who do not invest a minimum amount in training will have to contribute an annual assessment of up to one percent of payroll.

#### TITLE I—FINDINGS AND NATIONAL POLICY

##### Sec. 101. Findings

The key to a high standard of living is productivity growth. The most successful firms in achieving high productivity growth are those that have created high performance work organization. The United States has become part of a highly competitive global economy which rewards high quality products and services that rapidly respond to a wide variety of shifting consumer tastes. The key to competitiveness in the global economy is human capital. But American school children do poorly in international comparisons; the U.S. has virtually no school-to-work transition programs; and American employers invest far less in worker training than do their competitors. The choice facing the U.S. is either to become a Nation of high skills or one of a declining standard of living. To ensure an increased standard of living, the U.S. must foster high performance work organization throughout American business and build a high skills, high quality, high performance workforce that is second to none in the world.

##### Sec. 102. National policy

To accomplish those purposes, it shall be the policy of the United States to: encourage development of a voluntary system of educational and occupational standards of proficiency and certificates of mastery; promote school-to-work transition programs; stimulate the creation of high performance work organization throughout American business; and significantly increase and upgrade continuing education and training for workers, especially for front-line workers and supervisors. Primary responsibility for this transformation of the American workforce must be borne by the private sector, with active involvement of labor, educational institutions, State and local government, and community organizations. The role of the Federal Government should be that of a catalyst through the formulation of strategic goals, offering of incentives, relaxation of antitrust inhibitions, sponsorship of R&D and dissemination of the results thereof, and improved coordination and consolidation of existing employment and training systems.

#### TITLE II—STANDARDS OF EXCELLENCE IN EDUCATION AND TRAINING

Sec. 202 authorizes \$15 million to stimulate the development of a voluntary system of occupational certification by establishing a National Board for Professional and Technical Standards, along with advisory committees for major industries and trades and for major occupations that cut across industries and trades. These committees will develop occupational proficiency standards, competency assessments, and curricula leading to associate degrees and professional certificates in a wide range of occupations.

Sec. 203 (a) directs the Office of Educational Research and Improvement (OERI) to support research on internationally competitive proficiency standards, curricula, and multiple assessment tools; and (b) authorizes \$15 million for the Secretary of Education to sponsor pilot projects to develop and demonstrate multi-State assessment systems for elementary and secondary school students.

Sec. 204 requires the public release of independently audited program, cost, and out-

come information from educational institutions.

#### TITLE III—SCHOOL-TO-WORK TRANSITION

Sec. 301 (Findings and Purposes): (a) finds that the U.S. has virtually no school-to-work transition programs despite the fact that 25% of American youths do not finish high school and of those who do finish, about 50% do not go on to college; and (b) calls for the creation of a nationwide system of school-to-work transition programs to aid American youths in becoming productive participants in a high skills, high quality, high performance workforce through: (1) Career Preparation Programs to provide American youths with skills development opportunities comparable to those available in competitor nations; (2) Community Youth Employment Compacts to find parttime and summer jobs for high school students and fulltime jobs for high school graduates; (3) the establishment of Youth Opportunity Centers for high school dropouts; and (4) technology education programs and school-business partnerships to better prepare students for careers in technology.

##### Subtitle A—Career Preparation

Sec. 311 authorizes \$60 million to the Department of Labor to carry out a variety of Career Preparation Demonstration Programs. Students will be exposed to these programs in 9th and 10th grades, voluntarily enroll in 11th grade, and then spend several years in a combined academic and mentored on-the-job training curriculum designed to impart proficiency in specific occupational skills. These programs will be geographically dispersed, cover a wide range of occupations that are not served by existing apprenticeship programs, and provide participants with the maximum flexibility to shift among skill areas and back into more academically oriented programs. Students who satisfactorily complete these programs will be awarded certificates of mastery, and participating companies will accord them hiring priority in their specialties. Sec. 311 also authorizes \$10 million to the Department of Education to establish a Career Awareness Program which will use interactive videos and other advanced technologies to acquaint middle and secondary school students with a wide variety of career options.

##### Subtitle B—Community Youth Employment Compacts

Sec. 321 authorizes \$50 million to the Secretary of Labor to provide incentives to establish Community Youth Employment Compacts whereby schools, businesses, and community organizations cooperate in finding parttime and summer jobs for high school students and Youth Opportunity Center participants and aiding them in obtaining fulltime employment after completion of high school.

##### Subtitle C—Youth Opportunity Centers

Sec. 331 authorizes \$260 million to the Department of Labor to provide a 25% Federal matching grant to States to enable States to establish a system of Youth Opportunity Centers that will provide student dropouts with alternative paths to successful participation in a high skills United States workforce. The States' share of the matching funds will come from the funds that would have been otherwise available if the student had remained in traditional secondary schools. The services provided by the centers will include: (A) academic preparation leading to certification with which the student can enter the workforce or pursue post-secondary education; (B) personal, academic,

and job counseling; (C) skill training, including on-the-job training; (D) access to a full range of social support services; (E) access to paid work experience; and (F) opportunities to participate in community service, athletics, and recreational activities.

##### Subtitle D—Technology Education and Partnership Programs

This subtitle is intended to prepare precollege students for careers as engineers, technologists, or technicians. Sec. 342 authorizes \$20 million to the National Science Foundation to sponsor the development of technology curricula for seventh through twelfth grades, along with associated teacher training programs. Sec. 343 authorizes \$25 million to NSF for grants to college/company partnerships to: sponsor work/study programs; cooperatively develop realistic curricula; provide company personnel for teaching at the college; and donate or loan company equipment, instrumentation, and tools to the college. Sec. 344 authorizes \$10 million to the Office of Training and Technology Transfer of the Department of Education (which was created by the Omnibus Trade Act of 1988 but never implemented) to sponsor the development and dissemination of applied learning technologies for training in advanced technologies in manufacturing, agriculture, and the service sector.

#### TITLE IV—HIGH PERFORMANCE WORK ORGANIZATION

The purpose of this title is to stimulate the private sector to provide increased worker training and accelerate the shift of American industry and services to high performance work organizations that will enable the United States to excel in global competition.

Sec. 402 authorizes \$40 million to the Department of Labor to make grants to stimulate high productivity and high quality by encouraging the utilization of high performance work organization and increasing employment-based training. The grants will be used to aid employers, labor unions, and consortia by: (1) disseminating information on successful work organization and training models; and (2) providing technical assistance to aid in creating high performance work organization and establishing high skills training programs.

Sec. 403 expands the definition of "effective quality management" in selecting recipients for the Malcolm Baldrige National Quality Award to include the upgrading of the skills of the workforce and the implementation of high performance work organization to enhance productivity and quality.

#### TITLE V—HIGH SKILLS TRAINING CONSORTIUMS

The purpose of the title is to enhance U.S. competitiveness by stimulating the private sector to establish High Skills Training Consortia consisting of companies operating within the same industry or utilizing similar technologies. \$25 million is authorized in Sec. 506 for the Department of Labor to make 50 percent matching grants for planning and startup of High Skills Training Consortia, provided that they accord preferential membership fees for small businesses. Consortia are encouraged to develop investment sharing systems so that member firms will not suffer undue loss when workers whose training they have financed leave their employ.

Sec. 502 states that such a training consortium shall not be deemed illegal per se under the antitrust laws, but shall be judged on the basis of its reasonableness. Sec. 503 states that any entity entitled to monetary relief from such a consortium after suit under the antitrust laws shall be limited to the extent

of the actual damages. Sec. 504 discourages frivolous antitrust suits against such consortia by making attorneys' fees recoverable by the prevailing party to the suit. Sec. 505 requires each new consortium promptly to file a notification with the United States Attorney General and the Federal Trade Commission that provides public disclosure of the nature and objective of the consortium and the identity of its members.

#### TITLE VI—STATE AND LOCAL EMPLOYMENT AND TRAINING SYSTEMS

Sec. 601 authorizes \$50 million for the Department of Labor to award startup grants to States to assist in establishing statewide systems for the coordinated administration of Federal, State, and local employment and training programs including such programs as JTPA, vocational education and rehabilitation, and dropout prevention.

Sec. 602 requires GAO to conduct a study of all Federal employment and training programs and make recommendations by January 1, 1993, on ways to eliminate gaps in service and unnecessary duplication of services and increase the overall effectiveness of such programs.

#### TITLE VII—PRIVATE SECTOR INVESTMENT IN WORKFORCE TRAINING

##### Subtitle A—High Skills Training

Sec. 711 requires employers with 20 or more employees to collect and provide the Secretary of Labor with information concerning their education and training expenditures in 1993. Sec. 712 assesses every employer (with at least 20 employees) half of one percent of total annual payroll in 1994 and one percent in 1995 and thereafter, unless the employer has expended an average of at least one percent of total wages on training during the preceding three year period.

##### Subtitle B—High Skills Training Trust Fund

Sec. 721 establishes a High Skills Training Trust Fund for States to award grants to establish high skills training programs that facilitate the implementation of high performance work organizations. Sec. 722 provides for administration of the fund by the Secretary of Labor through the States. Sec. 723 requires that priority in award of grants from the fund be given to training for front-line workers, non-supervisory skilled, semi-skilled or entry-level employees, and for lower and middle management supervisory personnel implementing high performance work organization.

##### Subtitle C—Educational Assistance to Employees

Sec. 731 fosters increased worker education by making permanent the exclusion in the Internal Revenue Code for employer-provided educational assistance to employees.

● Mr. HATFIELD. Mr. President, when Henry Ford marketed his Model T in 1909, he sold 11,000 of them for \$950 apiece. When he introduced the moving assembly line a few years later, the price plunged to under \$300, and by 1914 his factory was turning out one Model T every 24 seconds. Ford's workers were paid \$5 per day, almost double the wages of other factory workers, to prevent them from quitting what has been described as "the monotonous, dehumanizing assembly line."

Today, the assembly line has indeed been dehumanized. It is attended—we can no longer say "manned"—by electronic monitors and robot arms, products of our Nation's technological advances.

The sad news, Mr. President, is that many of our Nation's young people do not possess the skills and knowledge to either pursue higher education or enter the workplace. Many adults lack the skills to enter or to retain positions in the current job market.

In 1990, the report "America's Choice: High Skills or Low Wages" forced us to confront nationwide deficiencies among our youth, not only in academic achievement but also in workplace preparedness. This report stimulated a lot of discussion in many States.

There was more than talk in my home State. The Oregon State Advisory Council for Career and Vocational Education developed its 1991 recommendations for work force development, naming its report "Oregonizing America's Choice." Guided by the recommendations of the High Skills or Low Wages report, State Representative Vera Katz of Portland formulated legislation which an Oregonian reporter called a blueprint to put a new foundation beneath education in Oregon and top it off with a structure far removed from the traditional American schoolhouse. The Katz bill, the Oregon Educational Act for the 21st century, was signed into law by Gov. Barbara Roberts in July.

Over the next decade, the Oregon plan will change education from pre-kindergarten through high school. All students will be expected to earn certificates of initial mastery of basic academic material by grade 10. At that point, they select either the college preparatory program or a technical area in which to earn a certificate of advanced mastery. Students will be able to move from one program to the other without jeopardizing their standing or their education.

The Oregon plan was developed for Oregon by Oregonians. It is not a blueprint for other States. The essence of the legislation Senator KENNEDY and I are introducing today is that each State must confront, in its own way, the dilemma of high skills or low wages. We encourage innovative approaches to the issues confronted in this bill.

Our legislation challenges the States by providing resources to address the critical problems of reclaiming high school dropouts, preparing all students with basic workplace skills, upgrading employee skills for creating high performance workplaces, and coordinating all Federal and State training programs. This legislation includes a number of provisions, each of which is significant enough to stand alone but which, together, reveal the magnitude of interrelated problems that we face and must solve.

In the Excellence in Mathematics, Science, and Engineering Act of 1990 which became law last year, Senator KENNEDY and I sought to strengthen the educational opportunities of the

people who will develop the new technologies which will eventually find their way into all American workplaces. In the High Skills, Competitive Work Force Act of 1991, we hope to provide opportunities for those who will use existing technologies and adapt to new ones to keep our Nation competitive in the global economy.●

By Mr. DOLE (for himself, Mr. DOMENICI, Mr. ROTH, Mr. LUGAR, Mr. GRAMM, Mr. DURENBERGER, and Mr. BURNS):

S. 1791. A bill to provide emergency unemployment compensation, and for other purposes; to the Committee on Finance.

DEFICIT-NEUTRAL UNEMPLOYMENT  
COMPENSATION ACT OF 1991

Mr. DOLE. Mr. President, as I said earlier this morning, I am introducing the Dole-Domenici-Roth alternative as a freestanding bill and challenge my colleagues on the other side of the aisle to stop playing politics and to sit down and work with a bill that will get benefits to America's unemployed now.

This bill is a two-tier program of benefits providing 6 weeks of benefits to all States and 10 weeks in those States where the insured unemployment rate, adjusted to include exhaustees, is 5 percent or more. It has a reachback provision—and like the conference report—is a 9-month program.

In addition, Mr. President, we have made a very important revision to this legislation. With the extra funds that this legislation raises over the next 5 years, this bill directs the Secretary of Labor to take aim at the so-called pockets of unemployment.

In many respects, the debate on unemployment has not been that the national unemployment rate is so dramatically skewed to historical averages—although it is certainly too high—but rather that there are pockets of unemployment where the rate is 8, 10, or 15 percent.

This bill takes a big step toward addressing this chronic problem through the establishment of a comprehensive economic adjustment program targeted at those geographic areas hit by downturns that are not reflected in the economy as a whole. This program would include adjustment assistance, training, job search assistance, and relocation assistance to enable dislocated workers to be reintegrated into the economy. Living assistance would also be a component of this important program.

PAYS FOR ITSELF

Mr. President, this is the same bill that pays for itself. Unlike the conference report, this bill doesn't burden future generations of Americans with an even bigger Federal deficit.

As I have discussed on the Senate floor numerous times, funding is provided by a spectrum auction and by certain collection reforms to the Stu-

dent Loan Program. These funding mechanisms are sound public policy and work to capture for the Public Treasury money that is otherwise lost.

Let me make perfectly clear, Mr. President, there is no sequester under this bill and there is no provision regarding the declaration of an emergency as the conference report provides. This alternative is scored as paying for itself and is deficit neutral over the next 5 years.

PRESIDENT WILL SIGN

This debate should be about getting checks in the mail to unemployed workers. These unemployed workers and their families need help now. They don't sit around and debate the Republican versus the Democratic alternative. I'm sure if they had been watching our debates the last few days, they would think that the U.S. Senate was completely out of touch.

The President has said he would sign our bill. That means extended benefits could begin this month.

He will veto the conference report, and it is my every expectation that that veto will be sustained.

CHOICE IS CLEAR

So the choice couldn't be clearer, Mr. President. For those in this Chamber whose bottom line is getting relief to unemployed workers and their families now; for those in this Chamber that are willing to put the interests of their constituents ahead of their own; for those in this Chamber who care about the deficit and future generations of Americans; they will throw their support behind our fiscally responsible alternative.

Their being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1791

*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 "Deficit-Neutral Unemployment Compensation Act of 1991".

TITLE I—EMERGENCY UNEMPLOYMENT  
COMPENSATION

SEC. 101. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (hereafter in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

- (1) to individuals who—
  - (A) have exhausted all rights to regular compensation under the State law;
  - (B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment

compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law); and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 106(2)).

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title, or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 102 shall not exceed the amount established in such account for such individual.

#### SEC. 102. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during a:	The applicable limit is:
5-percent period .....	10
Other period .....	6.

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall

in no event be less than the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) DETERMINATION OF PERIODS.—

(1) IN GENERAL.—For purposes of this section, the terms "5-percent period" and "other period" mean, with respect to any State, the period which—

(A) begins with the third week after the first week for which the applicable trigger is on, and

(B) ends with the third week after the first week for which the applicable trigger is off.

(2) APPLICABLE TRIGGER.—In the case of a 5-percent period or other period, as the case may be, the applicable trigger is on for any week with respect to any such period if the adjusted rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls within the applicable range.

(3) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
5-percent period .....	A rate equal to or exceeding 5 percent.
Other period .....	A rate less than 5 percent.

(4) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), if for any week beginning after October 5, 1991, a 5-percent period or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) EXCEPTION IF APPLICABLE RANGE INCREASES.—If, but for subparagraph (A), another period with a higher applicable range would be in effect for a State, such other period shall be in effect without regard to subparagraph (A).

(5) NOTIFICATION BY SECRETARY.—When a determination has been made that a 5-percent period or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this title for any week—

(A) beginning before the later of—  
(i) October 6, 1991, or

(ii) the first week following the week in which an agreement under this title is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this title.

(3) REACHBACK PROVISIONS.—(A) IN GENERAL.—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after February 28, 1991, and before the first week following October 5, 1991 (or, if later, the week following the week in which the agreement under this title is entered into), and

(ii) a 5-percent period, as described in subsection (c), is in effect with respect to the State for the first week following October 5, 1991,

such individual shall be entitled to emergency unemployment compensation under this title in the same manner as if such individual's benefit year ended no earlier than the last day of such following week.

(B) LIMITATION OF BENEFITS.—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) shall be reduced in accordance with subsection (b)(3).

#### SEC. 103. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

#### SEC. 104. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905 of the Social Secu-

Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this title.

(b) **CERTIFICATION.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) **ASSISTANCE TO STATES.**—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this title.

**SEC. 105. FRAUD AND OVERPAYMENTS.**

(a) **IN GENERAL.**—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) **REPAYMENT.**—In the case of an individual who has received amounts of emergency unemployment compensation under this title to which he was not entitled, the State shall require such individual to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) **RECOVERY BY STATE AGENCY.**—

(1) **IN GENERAL.**—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individual received the payment of the emergency unemployment compensation to which he was not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) **OPPORTUNITY FOR HEARING.**—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to

the individual, and the determination has become final.

(d) **REVIEW.**—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

**SEC. 106. DEFINITIONS.**

For purposes of this title:

(1) **IN GENERAL.**—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) **ELIGIBILITY PERIOD.**—An individual's eligibility period shall consist of the weeks in the individual's benefit year which begin in a 5-percent period or other period under this title and, if the individual's benefit year ends within any such period, any weeks thereafter which begin in any such period. In no event shall an individual's period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) **ADJUSTED RATE OF INSURED UNEMPLOYMENT.**—The adjusted rate of insured unemployment shall be determined in the same manner as the rate of insured unemployment is determined under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, except that the total number of individuals exhausting rights to regular compensation for the most recent three months for which data are available shall be included in such determination in the same manner as the average weekly number of individuals filing claims for regular compensation.

**SEC. 107. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.**

(a) **REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY FOR DESERT STORM RESERVISTS.**—Section 8521 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) In the case of a member of the armed forces who served on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm, paragraph (1) of subsection (a) shall be applied by substituting '90 days' for '180 days'."

"(2) For purposes of paragraph (1), the term 'Operation Desert Storm' has the meaning given the term in section 3(1) of Public Law 102-25 (105 Stat. 77)."

(b) **LIMITATIONS ON UNEMPLOYMENT COMPENSATION.**—Subsection (a)(1) of section 8521 of title 5, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) The individual was—

"(i) involuntarily separated from the armed forces, or

"(ii) separated from the armed forces after being retained on active duty pursuant to section 673C or 676 of title 10, United States Code.

"(B) This paragraph does not apply in the case of a dismissal, dishonorable discharge, or bad conduct discharge adjudged by a court-martial or a discharge under other than honorable conditions (as defined in regulations prescribed by the Secretary of the military department concerned)."

(c) **CONFORMING AMENDMENT.**—Subsection (c) of section 8521 of such title is hereby repealed.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to weeks of unemployment beginning on or after October 5, 1991.

**TITLE II—COLLECTION OF NONTAX DEBTS**

**SEC. 201. PERMANENT EXTENSION OF PROVISIONS RELATING TO COLLECTION OF NONTAX DEBTS OWED TO FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Subsection (c) of section 2653 of the Deficit Reduction Act of 1984 is amended by striking "on or before January 10, 1994".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 1991.

**TITLE III—GUARANTEED STUDENT LOANS**  
**SEC. 301. CREDIT CHECKS; COSIGNERS.**

(a) **IN GENERAL.**—Section 427(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), hereafter in this title referred to as "the Act", is amended to read as follows:

"(A) is made without security and without endorsement, except that prior to making a loan insurable by the Secretary under this part a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the applicant an amount not to exceed the lesser of \$25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or non-existent credit history may not be considered to be an adverse credit history."

(b) **CONFORMING AMENDMENT.**—Section 428(b)(1) of the Act is amended—

(1) in subparagraph (U), by striking "and" at the end thereof;

(2) in subparagraph (V), by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(W) provides that prior to making a loan made, insured, or guaranteed under this part (other than a loan made in accordance with section 428C), a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the applicant an amount not to exceed the lesser of \$25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or non-existent credit history may not be considered to be an adverse credit history."

**SEC. 302. BORROWER INFORMATION.**

(a) **IN GENERAL.**—Section 427 of the Act is amended by adding at the end thereof the following new subsection:

"(d) **BORROWER INFORMATION.**—The lender shall obtain the borrower's driver's license number, if any, at the time of application for the loan."

(b) CONFORMING AMENDMENT.—Section 428 of the Act is amended—

(1) in subsection (a)(2)(A)—  
(A) in clause (i)(I), by striking out "and" at the end thereof;  
(B) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and  
(C) by adding at the end thereof the following new clause:

"(iii) have provided to the lender at the time of application for a loan made, insured, or guaranteed under this part, the student's driver's number, if any."

**SEC. 303. ADDITIONAL BORROWER INFORMATION.**

Section 485(b) of the Act is amended—  
(1) by striking the subsection heading and inserting "EXIT COUNSELING FOR BORROWERS; BORROWER INFORMATION.—"; and

(2) by adding at the end thereof the following: "Each eligible institution shall require that the borrower of a loan made under part B, part D, or part E submit to the institution, during the exit interview required by this subsection, the borrower's expected permanent address after leaving the institution, regardless of the reason for leaving; the name and address of the borrower's expected employer after leaving the institution; and the address of the borrower's next of kin. In the case of a loan made under part B, the institution shall then submit this information to the holder of the loan."

**SEC. 304. CONFESSION OF JUDGMENT.**

Section 428(b)(1) of the Act is further amended—

(1) in subparagraph (V), by striking "and" at the end thereof;

(2) in subparagraph (W), by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(X) provides that the lender shall obtain, as part of the note or written agreement evidencing the loan, the borrower's authorization for entry of judgment against the borrower in the event of default."

**SEC. 305. WAGE GARNISHMENT.**

(a) IN GENERAL.—Part G of title IV of the Act is amended by inserting immediately following section 488 the following new section:

**"WAGE GARNISHMENT REQUIREMENT**

"SEC. 488A. (a) GARNISHMENT REQUIREMENTS.—Notwithstanding any provision of State law, a guaranty agency, or the Secretary in the case of loans made, insured or guaranteed under this title that are held by the Secretary, may garnish the disposable pay of an individual to collect the amount owed by the individual, if he or she is not currently making required repayment under a repayment agreement with the Secretary, or, in the case of a loan guaranteed under part B on which the guaranty agency received reimbursement from the Secretary under section 428(c), with the guaranty agency holding the loan, as appropriate, provided that—

"(1) the amount deducted for any pay period may not exceed 10 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual involved;

"(2) the individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, from the guaranty agency or the Secretary, as appropriate, informing such individual of the nature and amount of the loan obligation to

be collected, the intention of the guaranty agency or the Secretary, as appropriate, to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this section;

"(3) the individual shall be provided an opportunity to inspect and copy records relating to the debt;

"(4) the individual shall be provided an opportunity to enter into a written agreement with the guaranty agency or the Secretary, under terms agreeable to the Secretary, or the head of the guaranty agency or his designee, as appropriate, to establish a schedule for the repayment of the debt;

"(5) the individual shall be provided an opportunity for a hearing in accordance with subsection (b) on the determination of the Secretary or the guaranty agency, as appropriate, concerning the existence or the amount of the debt, and, in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), concerning the terms of the repayment schedule;

"(6) the employer shall pay to the Secretary or the guaranty agency as directed in the withholding order issued in this action, and shall be liable for, and the Secretary or the guaranty agency, as appropriate, may sue the employer in a State or Federal court of competent jurisdiction to recover, any amount that such employer fails to withhold from wages due an employee following receipt of such employer of notice of the withholding order, plus attorneys' fees, costs, and, in the court's discretion, punitive damages, but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph; and

"(7) an employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action. The court shall award attorneys' fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary.

"(b) HEARING REQUIREMENTS.—A hearing described in subsection (a)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (a)(2), and in accordance with such procedures as the Secretary or the head of the guaranty agency, as appropriate, may prescribe, files a petition requesting such a hearing. If the individual does not file a petition requesting a hearing prior to such date, the Secretary or the guaranty agency, as appropriate, shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order. A hearing under subsection (a)(5) may not be conducted by an individual under the supervision or control of the head of the guaranty agency, except that nothing in this sentence shall be construed to prohibit the appointment of an administrative law judge. The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

"(c) NOTICE REQUIREMENTS.—The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(d) DEFINITION.—For the purpose of this section, the term 'disposable pay' means that part of the compensation of any individual remaining after the deduction of any amounts required by law to be withheld."

(b) CONFORMING AMENDMENTS.—  
(1) Section 428E of the Act is repealed.  
(2) Section 428(c)(6) of the Act is amended by striking subparagraph (D).

**SEC. 306. DATA MATCHING.**

Part G of title IV of the Act is further amended by inserting immediately following section 489 the following new section:

**"DATA MATCHING**

"SEC. 489A. (a)(1) The Secretary is authorized to obtain information from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States concerning the most recent address of an individual obligated on a loan held by the Secretary or a loan made in accordance with part B of this title held by a guaranty agency, or an individual owing a refund of an overpayment of a grant awarded under this title, and the name and address of such individual's employer, if the Secretary determines that such information is needed to enforce the loan or collect the overpayment.

"(2) The Secretary is authorized to provide the information described in paragraph (1) to a guaranty agency holding a loan made under part B of this title on which such individual is obligated.

"(b)(1) Notwithstanding any other provision of law, whenever the head of any department, agency, or instrumentality of the United States receives a request from the Secretary for information authorized under this section, such individual or his designee shall promptly cause a search to be made of the records of the agency to determine whether the information requested is contained in those records.

"(2)(A) If such information is found, the individual shall, in conformance with the provisions of the Privacy Act of 1974, as amended, immediately transmit such information to the Secretary, except that if disclosure of this information would contravene national policy or security interests of the United States, or the confidentiality of census data, the individual shall immediately so notify the Secretary and shall not transmit the information.

"(B) If no such information is found, the individual shall immediately so notify the Secretary.

"(3)(A) The reasonable costs incurred by any such agency of the United States in providing any such information to the Secretary shall be reimbursed by the Secretary, and retained by the agency.

"(B) Whenever such information is furnished to a guaranty agency, that agency shall be charged a fee to be used to reimburse the Secretary for the expense of providing such information.

**TITLE IV—ELECTROMAGNETIC SPECTRUM FUNCTION**

**SEC. 401. SHORT TITLE.**

This title may be cited as the "Emerging Telecommunications Technologies Act of 1991".

**SEC. 402. FINDINGS.**

The Congress finds that—  
(1) spectrum is a valuable natural resource;  
(2) it is in the national interest that this resource be used more efficiently;

(3) the spectrum below 6 gigahertz (GHz) is becoming increasingly congested, and, as a result entities that develop innovative new spectrum-based services are finding it difficult to bring these services to the marketplace;

(4) scarcity of assignable frequencies can and will—

(A) impede the development and commercialization of new spectrum-based products and services;

(B) reduce the capacity and efficiency of the United States telecommunications system; and

(C) adversely affect the productive capacity and international competitiveness of the United States economy;

(5) the United States Government presently lacks explicit authority to use excess radiocommunications capacity to satisfy non-United States Government requirements;

(6) more efficient use of the spectrum can provide the resources for increased economic returns;

(7) many commercial users derive significant economic benefits from their spectrum licenses, both through the income they earn from their use of the spectrum and the returns they realize upon transfer of their licenses to third parties; but under current procedures, the United States public does not sufficiently share in their benefits;

(8) many United States Government functions and responsibilities depend heavily on the use of the radio spectrum, involve unique applications, and are performed in the broad national and public interest;

(9) competitive bidding for spectrum can yield significant benefits for the United States economy by increasing the efficiency of spectrum allocations, assignment, and use; and for United States taxpayers by producing substantial revenues for the United States Treasury; and

(10) the Secretary, the President, and the Commission should be directed to take appropriate steps to foster the more efficient use of this valuable national resource, including the reallocation of a target amount of 200 megahertz (MHz) of spectrum from United States Government use under section 305 of the Communications Act to non-United States Government use pursuant to other provisions of the Communications Act and the implementation of competitive bidding procedures by the Commission for some new assignments of the spectrum.

#### SEC. 403. NATIONAL SPECTRUM PLANNING.

(a) **PLANNING ACTIVITIES.**—The Secretary and the Chairman of the Commission shall, at least twice each year, conduct joint spectrum planning meetings with respect to the following issues—

(1) future spectrum needs;

(2) the spectrum allocation actions necessary to accommodate those needs, including consideration of innovation and marketplace developments that may affect the relative efficiencies of different portions of the spectrum; and

(3) actions necessary to promote the efficient use of the spectrum, including proven spectrum management techniques to promote increased shared use of the spectrum as a means of increasing non-United States Government access; and innovation in spectrum utilization including means of providing incentives for spectrum users to develop innovative services and technologies.

(b) **REPORTS.**—The Secretary and the Chairman of the Commission shall submit a joint annual report to the President on the joint spectrum planning meetings conducted

under subsection (a) and any recommendations for action developed in such meetings.

(c) **OPEN PROCESS.**—The Secretary and the Commission will conduct an open process under this section to ensure the full consideration and exchange of views among any interested entities, including all private, public, commercial, and governmental interests.

#### SEC. 404. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) **IDENTIFICATION REQUIRED.**—The Secretary shall prepare and submit to the President the reports required by subsection (d) to identify bands of frequencies that—

(1) are allocated on a primary basis for United States Government use and eligible for licensing pursuant to section 305(a) of the Communications Act;

(2) are not required for the present or identifiable future needs of the United States Government;

(3) can feasibly be made available during the next 15 years after enactment of this title for use under the provisions of the Communications Act for non-United States Government users;

(4) will not result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from the potential non-United States Government uses; and

(5) are likely to have significant value for non-United States Government uses under the Communications Act.

(b) **AMOUNT OF SPECTRUM RECOMMENDED.**—

(1) **IN GENERAL.**—The Secretary shall recommend as a goal for reallocation, for use by non-United States Government stations, bands of frequencies constituting a target amount of 200 MHz, that are located below 6 GHz, and that meet the criteria specified in paragraphs (1) through (5) of subsection (a). If the Secretary identifies (as meeting such criteria) bands of frequencies totalling more than 200 MHz, the Secretary shall identify and recommend for reallocation those bands (totalling not less than 200 MHz) that are likely to have the greatest potential for non-United States Government uses under the Communications Act.

(2) **MIXED USES PERMITTED TO BE COUNTED.**—Bands of frequencies which the Secretary recommends be partially retained for use by United States Government stations, but which are also recommended to be reallocated and made available under the Communications Act for use by non-United States Government stations, may be counted toward the target 200 MHz of spectrum required by paragraph (1) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the amount targeted by paragraph (1) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to United States Government stations under section 305 of the Communications Act are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by which United States Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential United States Government use to be made; and

(C) the operational sharing permitted under this paragraph shall be subject to procedures which the Commission and the Department of Commerce shall establish and implement to ensure against harmful interference.

(c) **CRITERIA FOR IDENTIFICATION.**—

(1) **NEEDS OF THE UNITED STATES GOVERNMENT.**—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial provider;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable;

(C) seek to avoid—

(i) serious degradation of United States Government services and operations;

(ii) excessive costs to the United States Government and civilian users of such Government services; and

(iii) identification of any bands for reallocation that are likely to be subject to substitution for the reasons specified in section 405(b)(2) (A) through (C); and

(D) exempt power marketing administrations and the Tennessee Valley Authority from any reallocation procedures.

(2) **FEASIBILITY OF USE.**—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume such frequencies will be assigned by the Commission under section 303 of the Communications Act over the course of fifteen years after the enactment of this title;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for non-United States Government use;

(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

(E) consider the cost to reestablish United States Government services displaced by the reallocation of spectrum during the fifteen year period.

(3) **COSTS TO THE UNITED STATES GOVERNMENT.**—In determining whether a frequency band meets the criteria specified in subsection (a)(4), the Secretary shall consider—

(A) the costs to the United States Government of reaccommodating its services in order to make spectrum available for non-United States Government use, including the incremental costs directly attributable to the loss of the use of the frequency band; and

(B) the benefits that could be obtained from reallocating such spectrum to non-United States Government users, including the value of such spectrum in promoting—

(i) the delivery of improved service to the public;

(ii) the introduction of new services; and

(iii) the development of new communications technologies.

(4) **NON-UNITED STATES GOVERNMENT USE.**—In determining whether a band of frequencies meets the criteria specified in subsection (a)(5), the Secretary shall consider—

(A) the extent to which equipment is commercially available that is capable of utilizing the band; and

(B) the proximity of frequencies that are already assigned for non-United States Government use.

(d) **PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.**—

(1) SUBMISSION OF REPORTS TO THE PRESIDENT TO IDENTIFY AN INITIAL 50 MHZ TO BE MADE AVAILABLE IMMEDIATELY FOR REALLOCATION, AND TO PROVIDE PRELIMINARY AND FINAL REPORTS ON ADDITIONAL FREQUENCIES TO BE REALLOCATED.—

(A) Within 3 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a report which specifically identifies an initial 50 MHz of spectrum that are located below 3 GHz, to be made available for reallocation to the Federal Communications Commission upon issuance of this report, and to be distributed by the Commission pursuant to competitive bidding procedures.

(B) The Department of Commerce shall make available to the Federal Communications Commission 50 MHz as identified in subparagraph (a) of electromagnetic spectrum for allocation of land-mobile or land-mobile-satellite services. Notwithstanding section 553 of the Administrative Procedure Act and title III of the Communications Act, the Federal Communications Commission shall allocate such spectrum and conduct competitive bidding procedures to complete the assignment of such spectrum in a manner which ensures that the proceeds from such bidding are received by the Federal Government no later than September 30, 1992. From such proceeds, Federal agencies displaced by this transfer of the electromagnetic spectrum to the Federal Communications Commission shall be reimbursed for reasonable costs directly attributable to such displacement. The Department of Commerce shall determine the amount of, and arrange for, such reimbursement. Amounts to agencies shall be available subject to appropriation Acts.

(C) Within 12 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a preliminary report to identify reallocable bands of frequencies meeting the criteria established by this section.

(D) Within 24 months after the date of enactment of this title, the Secretary shall prepare and submit to the President a final report which identifies the target 200 MHz for reallocation (which shall encompass the initial 50 MHz previously designated under subparagraph (A)).

(E) The President shall publish the reports required by this section in the Federal Register.

(2) CONVENING OF PRIVATE SECTOR ADVISORY COMMITTEE.—Not later than 12 months after the enactment of this title, the Secretary shall convene a private sector advisory committee to—

(A) review the bands of frequencies identified in the preliminary report required by paragraph (1)(C);

(B) advise the Secretary with respect to—  
(i) the bands of frequencies which should be included in the final report required by paragraph (1)(D); and

(ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

(C) receive public comment on the Secretary's preliminary and final reports under this subsection; and

(D) prepare and submit the report required by paragraph (4).

The private sector advisory committee shall meet at least quarterly until each of the actions required by section 405(a) have taken place.

(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The private sector adviser committee shall include—

(A) the Chairman of the Commission, and the Secretary, or their designated representatives, and two other representatives from two different United States Government agencies that are spectrum users, other than the Department of Commerce, as such agencies may be designated by the Secretary; and

(B) Persons who are representative of—  
(i) manufacturers of spectrum-dependent telecommunications equipment;

(ii) commercial users;

(iii) other users of the electromagnetic spectrum; and  
(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum to be chosen by the Secretary.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The private sector advisory committee shall, not later than 12 months after its formation, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, such recommendations as the committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between United States Government users and non-United States Government users, and any dissenting views thereon.

(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—The Secretary shall, as part of the final report required by subsection (d)(1)(D), include a timetable for the effective dates by which the President shall, within 15 years after enactment of this title, withdraw or limit assignments on frequencies specified in the report. The recommended effective dates shall—

(1) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 406(a);

(2) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(3) be based on the need to coordinate frequency use with other nations; and

(4) avoid the imposition of incremental costs on the United States Government directly attributable to the loss of the use of frequencies or the changing to different frequencies that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequencies.

#### SEC. 405. WITHDRAWAL OF ASSIGNMENT TO UNITED STATES GOVERNMENT STATIONS.

(a) IN GENERAL.—The President shall—

(1) within 3 months after receipt of the Secretary's report under section 404(d)(1)(A), withdraw or limit the assignment to a United States Government station of any frequency on the initial 50 MHz which that report recommends for immediate reallocation;

(2) with respect to other frequencies recommended for reallocation by the Secretary's report in section 404(d)(1)(D), by the effective dates recommended pursuant to section 404(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a United States Government station of any frequency which that report recommends be reallocated or available for mixed use on such effective dates;

(3) assign or reassign other frequencies to United States Government stations as nec-

essary to adjust to such withdrawal or limitation of assignments; and

(4) publish in the Federal Register a notice and description of the actions taken under this subsection.

(b) EXCEPTIONS.—

(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in section 405(b)(2) exists, the President—

(A) may, within 1 month after receipt of the Secretary's report under section 404(d)(1)(A), and within 6 months after receipt of the Secretary's report under section 404(d)(1)(D), substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

(B) shall publish in the Federal Register a statement of the reasons for taking the action described in subparagraph (A).

(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

(A) the reassignment would seriously jeopardize the national security interests of the United States;

(B) the frequency proposed for reassignment is uniquely suited to meeting important United States Governmental needs;

(C) the reassignment would seriously jeopardize public health or safety; or

(D) the reassignment will result in incremental costs to the United States Government that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequency.

(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the final report of the Secretary under section 404(d)(1)(D) unless the substituted frequency also meets each of the criteria specified by section 404(a).

(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the effective dates recommended by the Secretary pursuant to section 404(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 406, the President may—

(A) withdraw or limit the assignment to United States Government stations on a later date that is consistent with such plan, by providing notice to that effect in the Federal Register, including the reason that withdrawal at a later date is required; or

(B) substitute alternative frequencies pursuant to the provisions of this subsection.

(c) COSTS OF WITHDRAWING FREQUENCIES ASSIGNED TO THE UNITED STATES GOVERNMENT; APPROPRIATIONS AUTHORIZED.—Any United States Government licensee, or non-United States Government entity operating on behalf of a United States Government licensee, that is displaced from a frequency pursuant to this section may be reimbursed not more than the incremental costs it incurs, in such amounts as provided in advance in appropriation Acts, that are directly attributable to the loss of the use of the frequency pursuant to this section. The estimates of these costs shall be prepared by the affected agency, in consultation with the Department of Commerce.

(d) There are authorized to be appropriated to the affected licensee agencies such sums as may be necessary to carry out the purposes of this section.

**SEC. 406. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.**

**(a) PLANS SUBMITTED.—**

(1) With respect to the initial 50 MHz to be reallocated from United States Government to non-United States Government use under section 404(d)(1)(A), not later than 12 months after enactment of this title, the Commission shall complete a public notice and comment proceeding regarding the allocation of this spectrum and shall form a plan to assign such spectrum pursuant to competitive bidding procedures, pursuant to section 408, during fiscal years 1994 through 1996.

(2) With respect to the remaining spectrum to be reallocated from United States Government to non-United States Government use under section 404(e), not later than 2 years after issuance of the report required by section 404(d)(1)(D), the Commission shall complete a public notice and comment proceeding; and the Commission shall, after consultation with the Secretary, prepare and submit to the President a plan for the distribution under the Communications Act of the frequency bands reallocated pursuant to the requirements of this title. Such plan shall—

(A) not propose the immediate distribution of all such frequencies, but, taking into account the timetable recommended by the Secretary pursuant to section 404(e), shall propose—

(i) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (ii), over the course of a 10-year period beginning on the date of submission of such plan; and

(ii) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

(B) contain appropriate provisions to ensure—

(i) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Communications Act (47 U.S.C. 157); and

(ii) the availability of frequencies to stimulate the development of such technologies; and

(C) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

**(b) AMENDMENT TO THE COMMUNICATIONS ACT.—**Section 303 of the Communications Act is amended by adding at the end thereof the following new subsection:

“(u) Have authority to assign the frequencies reallocated from United States Government use to non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, except that any such assignment shall expressly be made subject to the right of the President to reclaim such frequencies under the provisions of section 407 of the Emerging Telecommunications Technologies Act of 1991.”

**SEC. 407. AUTHORITY TO RECLAIM REASSIGNED FREQUENCIES.**

**(a) AUTHORITY OF PRESIDENT.—**The President may reclaim reallocated frequencies for reassignment to United States Government stations in accordance with this section.

**(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—**

(1) **UNASSIGNED FREQUENCIES.—**If the frequencies to be reclaimed have not been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2).

(2) **ASSIGNED FREQUENCIES.—**If the frequencies to be reclaimed have been assigned by the Commission, the President may re-

claim them based on the grounds described in section 405(b)(2), except that the notification required by section 405(b)(1) shall include—

(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for their utilization; and

(B) an estimate of the cost of displacing the licensees.

**(c) COSTS OF RECLAIMING FREQUENCIES.—**Any non-United States Government licensee that is displaced from a frequency pursuant to this section shall be reimbursed the incremental costs it incurs that are directly attributable to the loss of the use of the frequency pursuant to this section.

**(d) EFFECT ON OTHER LAW.—**Nothing in this section shall be construed to limit or otherwise affect the authority of the President under section 706 of the Communications Act (47 U.S.C. 606).

**SEC. 408. COMPETITIVE BIDDING.**

**(a) COMPETITIVE BIDDING AUTHORIZED.—**Section 309 of the Communications Act is amended by adding the following new subsection:

“(j)(1)(A) The Commission shall use competitive bidding for awarding all initial licenses or new construction permits, including licenses and permits for spectrum reallocated for non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, subject to the exclusions listed in paragraph (2).

“(B) The Commission shall require potential bidders to file a first-stage application indicating an intent to participate in the competitive bidding process and containing such other information as the Commission finds necessary. After conducting the bidding, the Commission shall require the winning bidder to submit a second-stage application. Upon determining that such application is acceptable for filing and that the applicant is qualified pursuant to subparagraph (C), the Commission shall grant a permit or license.

“(C) No construction permit or license shall be granted to an applicant selected pursuant to subparagraph (B) unless the Commission determines that such applicant is qualified pursuant to section 308(b) and subsection (a) of this section, on the basis of the information contained in the first- and second-stage applications submitted under subparagraph (B).

“(D) Each participant in the competitive bidding process is subject to the schedule of changes contained in section 8 of this Act.

“(E) The Commission shall have the authority in awarding construction permits or licenses under competitive bidding procedures to (i) define the geographic and frequency limitations and technical requirements, if any, of such permits or licenses; (ii) establish minimum acceptable competitive bids; and (iii) establish other appropriate conditions on such permits and licenses that will serve the public interest.

“(F) The Commission, in designing the competitive bidding procedures under this subsection, shall study and include procedures—

“(i) to ensure bidding access for small and rural companies,

“(ii) if appropriate, to extend the holding period for winning bidders awarded permits or licenses, and

“(iii) to expand review and enforcement requirements to ensure that winning bidders continue to meet their obligations under this Act.

“(G) The Commission shall, within 6 months after enactment of the Emerging

Telecommunications Technologies Act of 1991, following public notice and comment proceedings, adopt rules establishing competitive bidding procedures under this subsection, including the method of bidding and the basis for payment (such as flat fees, fixed or variable royalties, combinations of flat fees and royalties, or other reasonable forms of payment); and a plan for applying such competitive bidding procedures to the initial 50 MHz reallocated from United States Government to non-United States Government use under section 404(d)(1)(A) of the Emerging Telecommunications Technologies Act of 1991, to be distributed during the fiscal years 1994 through 1996.

“(2) Competitive bidding shall not apply to—

“(A) license renewals;

“(B) the United States Government and State or local government entities;

“(C) amateur operator services, over-the-air terrestrial radio and television broadcast services, public safety services, and radio astronomy services;

“(D) private radio end-user licenses, such as Specialized Mobile Radio Service (SMRS), maritime, and aeronautical end-user licenses;

“(E) any license grant to a non-United States Government licensee being moved from its current frequency assignment to a different one by the Commission in order to implement the goals and objectives underlying the Emerging Telecommunications Technologies Act of 1991;

“(F) any other service, class of services, or assignments that the Commission determines, after conducting public comment and notice proceedings, should be exempt from competitive bidding because of public interest factors warranting an exemption; and

“(G) small businesses, as defined in section 3(a)(1) of the Small Business Act.

“(3) In implementing this subsection, the Commission shall ensure that current and future rural telecommunications needs are met and that existing rural licensees and their subscribers are not adversely affected.

“(4) Monies received from competitive bidding pursuant to this subsection shall be deposited in the general fund of the United States Treasury.”

**(b) RANDOM SELECTION NOT TO APPLY WHEN COMPETITIVE BIDDING REQUIRED.—**Section 309(i)(1) of the Communications Act is amended by striking the period after the word “selection” and inserting “, except in instances where competitive bidding procedures are required under subsection (j).”

**(c) SPECTRUM ALLOCATION DECISIONS.—**Section 303 of the Communications Act is amended by adding the following new subsection:

“(v) In making spectrum allocation decisions among services that are subject to competitive bidding, the Commission is authorized to consider as one factor among others taken into account in making its determination, the relative economic values and other public interest benefits of the proposed uses as reflected in the potential revenues that would be collected under its competitive bidding procedures.”

**SEC. 409. DEFINITIONS.**

As used in this title:

(1) The term “allocation” means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunications services.

(2) The term “assignment” means an authorization given by the Commission or the United States Government for a radio sta-

tion to use a radio frequency or radio frequency channel.

(3) The term "Commission" means the Federal Communications Commission.

(4) The term "Communications Act" means the Communications Act of 1934 (47 U.S.C. 151 et seq.).

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

#### TITLE V—DISLOCATED WORKERS

##### SEC. 501. GENERAL ASSISTANCE TO DISLOCATED WORKERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall, by regulation, establish for eligible dislocated workers—

(1) a program of readjustment allowances, (2) a program for job training and related services substantially similar to the program under part A of Title III of the Job Training Partnership Act (29 U.S.C. 1651, et seq.) and (3) a program for job search and relocation allowances substantially similar to the program under part A of Title III of the Job Training Partnership Act (29 U.S.C. 1651, et seq.).

(b) ADMINISTRATION.—The Secretary of Labor is authorized to enter into agreements with any State to assist in carrying out the programs under subsection (a) in the same manner as under Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.).

(c) ELIGIBLE DISLOCATED WORKERS.—For purposes of this section, the term "eligible dislocated worker" means any individual who meets the definition in Sec. 301 of Title III of the Job Training Partnership Act, (29 U.S.C. 1651, et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor, for each of the fiscal years 1993, 1994, and 1995, the sum equal to the revenues raised in such fiscal year by the provisions of, and amendments made by, Titles II, III, and IV of this Act in excess of the expenditures made in such fiscal year under Title I of this Act, to carry out the purposes of this section.

##### SEC. 502. SPECIAL ASSISTANCE TO CERTAIN DISLOCATED WORKERS.

For the purposes of determining the programs and activities to be funded under part B of Title III of the Job Training Partnership Act in program years 1991 and 1992, the Secretary of Labor shall give special consideration to providing services to dislocated workers in the timber industry in the State of Washington.

##### SEC. 503. REPORT ON THE FEASIBILITY AND UTILITY OF THE INSURED UNEMPLOYMENT RATE AND THE TOTAL UNEMPLOYMENT RATE.

The Secretary of Labor shall submit to the Congress, within the 12-month period beginning on the date of the enactment of this Act, a comprehensive report setting forth the feasibility and utility of using a total unemployment rate versus an insured unemployment rate, adjusted to include those claimants who have exhausted their benefits, for purposes of triggering extended benefits and, if appropriate, revising the foregoing measures of unemployment to include seasonal adjustments.

By Mr. HATCH:

S.J. Res. 207. Joint resolution to designate the period commencing on December 1, 1991, and ending on December 7, 1991, and the period commencing on November 29, 1992, and ending on December 5, 1992, each as "National Adoption Week"; to the Committee on the Judiciary.

#### NATIONAL ADOPTION WEEK

Mr. HATCH. Mr. President, it is my privilege to sponsor the joint resolution requesting the President to proclaim the week of Thanksgiving as National Adoption Week in 1991 and 1992. This week has been so designated for the past 13 years, so this joint resolution would continue the traditional observance.

Adoption is vitally important to millions of couples and children wanting to have a family of their own. In America today, an estimated 36,000 adoptable children remain in foster care or institutions because of a number of public and private barriers to adoption. A majority of these children have special needs such as physical, emotional, or mental handicaps. Or, they may have reached school age, have brothers and sisters, or be of various ethnic backgrounds. For these children especially, the need for a stable home environment is apparent.

Last year, I spoke of Margie Strom, a nurse at LDS Hospital, in Salt Lake City, who was given the task of caring for a small baby girl with a chronic lung disease at birth. Her parents could not care for her, so Margie Strom took the baby home and cared for her. Margie developed a close bond with her and adopted her.

Recently I was touched by another adoptive situation in which an entire family was headed by a single parent. This woman lives in northern Utah, where she is raising five adopted children, each having a handicap. The two girls only have minor handicaps while the boys suffer from more complex problems. Despite their special challenges, these children will grow up secure that they are valued.

We, in Congress, must remember that these children are not alone in their need for a permanent, secure, and loving family; and, National Adoption Week is only the beginning. We must work together to eliminate the barriers that discourage adoptions.

Please join me in celebrating those families who are brought together through adoption, in commending the institutions and individuals working to find permanent homes for all adoptable children, and in heightening awareness of adoption as an option to those who want to have a family.

I ask unanimous consent that the complete text of the joint resolution be printed in the RECORD.

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

S.J. RES. 207

Whereas Thanksgiving week has been commemorated as "National Adoption Week" for the past 13 years;

Whereas the Congress recognizes that belonging to a secure, loving, and permanent family is every child's right;

Whereas the President of the United States has actively promoted the benefits of adoption by implementing a Federal program to

encourage Federal employees to consider adoption;

Whereas approximately 36,000 children who may be characterized as having special needs such as being of school age, being members of a sibling group, being members of a minority group, or having physical, mental, and emotional disabilities are now in foster care or in institutions financed at public expense and are legally free for adoption;

Whereas public and private barriers inhibiting the placement of special needs children must be reviewed and removed where possible to assure their adoption;

Whereas the adoption of institutionalized or foster care children by capable parents into permanent homes would ensure an opportunity for their continued happiness and long-range well-being;

Whereas the public and prospective parents must be informed that there are children available for adoption;

Whereas media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses, and industries will provide publicity and information to heighten community awareness of the crucial needs of children available for adoption; and

Whereas the recognition of Thanksgiving week as "National Adoption Week" is in the best interest of adoptable children and in the best interest of the public generally: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period commencing on December 1, 1991, and ending on December 7, 1991, and the period commencing on November 29, 1992, and ending on December 5, 1992, are each designated as "National Adoption Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe each week with appropriate ceremonies and activities.

#### ADDITIONAL COSPONSORS

S. 20

At the request of Mr. ROTH, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes.

S. 98

At the request of Mr. PRESSLER, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 98, a bill to amend the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 533

At the request of Mr. GLENN, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 533, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics, and a Presidential Commission on Improving Environmental Protection, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 649

At the request of Mr. BREAUX, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 843

At the request of Mr. BREAUX, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 914

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor 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. 936

At the request of Mr. BAUCUS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 936, a bill to amend the Internal Revenue Code of 1986 to reduce compliance costs and administrative burdens in connection with foreign taxes, and for other purposes.

S. 1102

At the request of Mr. CONRAD, his name 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. 1156

At the request of Mr. PACKWOOD, the name of the Senator from Wyoming [Mr. SIMPSON] 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. 1179

At the request of Mr. JOHNSTON, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1294

At the request of Mr. FOWLER, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1294, a bill to protect individuals engaged in a lawful hunt within a national forest, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 1305

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1305, a bill to amend the Internal Revenue Code of 1986 to encourage consumer participation in energy efficiency, conservation and cost-effective demand-side management by excluding from gross income payments made by utilities to customers for purchasing qualified energy conservation appliances and for taking energy conservation measures, and for other purposes.

S. 1423

At the request of Mr. DODD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1520

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 1520, a bill to amend title XVIII of the Social Security Act to make certain changes with respect to extended care and home health services, and to provide for a waiver of certain medicaid requirements to conduct a demonstration project with respect to adult day care services, and for other purposes.

S. 1653

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut

[Mr. LIEBERMAN] was added as a cosponsor of S. 1653, a bill to amend the Internal Revenue Code of 1986 to remove United States tax barriers inhibiting competitiveness of United States owned businesses operating in the European Community.

S. 1726

At the request of Mr. DIXON, the names of the Senator from Colorado [Mr. BROWN] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1726, a bill to amend the Immigration and Nationality Act to restore authority in courts to naturalize persons as citizens.

S. 1755

At the request of Mr. BUMPERS, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Rhode Island [Mr. PELL], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1755, a bill to reform the concessions policies of the National Park Service, and for other purposes.

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. BURDICK], the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mr. DOLE], the Senator from New York [Mr. D'AMATO], the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. MACK], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. ROBB], and the Senator from Tennessee [Mr. SASSER] 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 JOINT RESOLUTION 160

At the request of Mr. WOFFORD, his name was added as a cosponsor of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

At the request of Mr. KERRY, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Florida [Mr. GRAHAM], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Idaho [Mr. CRAIG], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of Senate Joint Resolution 160, supra.

## SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

## SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Montana [Mr. BURNS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

## SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the names of the Senator from Montana [Mr. BURNS], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

## SENATE JOINT RESOLUTION 202

At the request of Mr. INOUE, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Delaware [Mr. BIDEN], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 202, a joint resolution to designate October 1991, as "Crime Prevention Month."

## SENATE JOINT RESOLUTION 206

At the request of Mr. RIEGLE, the names of the Senator from California [Mr. SEYMOUR] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

## SENATE CONCURRENT RESOLUTION 65—RELATIVE TO RECOGNITION OF UKRAINIAN INDEPENDENCE

Mr. DECONCINI (for himself and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

## S. CON. RES. 65

Whereas on August 24, 1991, the democratically elected Ukrainian parliament declared Ukrainian independence and the creation of an independent, democratic state—Ukraine;

Whereas that declaration reflects the desire of the people of Ukraine for freedom and independence following long years of Communist oppression, collectivization, and centralization;

Whereas on December 1, 1991, a republic-wide referendum will be held in Ukraine to confirm the August 24, 1991, declaration of independence;

Whereas Ukraine is pursuing a peaceful and democratic path to independence and has pledged to comply with the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe;

Whereas Ukraine and Russia signed an agreement on August 29, 1991, recognizing each other's rights to state independence and affirming each other's territorial integrity;

Whereas Ukraine, a nation of 52,000,000 people, with its own distinct linguistic, cultural, and religious traditions, is determined to take its place among the family of free and democratic nations of the world;

Whereas the Congress has traditionally supported the rights of peoples to peaceful and democratic self-determination; and

Whereas pursuant to Article VIII of the Helsinki Final Act of the Conference on Security and Cooperation in Europe "all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development": Now, therefore, be it

*Resolved by the United States Senate (the House of Representatives concurring), That it is the sense of the Congress that the President—*

(1) should recognize Ukraine's independence and undertake steps toward the establishment of full diplomatic relations with Ukraine should the December 1, 1991, referendum confirm the Ukrainian Parliament's independence declaration; and

(2) should use United States assistance, trade, and other programs to support the Government of Ukraine and encourage the further development of democracy and a free market in Ukraine.

• Mr. DECONCINI. Mr. President, on August 24, shortly after the ill-fated coup attempt in Moscow, the Ukrainian Parliament passed a historic declaration of Ukraine's independence. The declaration states that only the Constitution and laws of Ukraine are valid on Ukrainian territory. This momentous and long-awaited reassertion of Ukrainian statehood is already exerting a profound impact on the United States and on the rest of the world.

Ukraine's independence, which is expected to be confirmed in a scheduled December 1 referendum, would result in the emergence of a land rich with resources and tremendous economic and human potential. The independence of Ukraine and other republics of the former Soviet Union and the concomitant weakening of the Soviet center gives rise to hopes for achieving genuine security and cooperation in Europe. Ukraine, for its part, has already asserted its desire to rid itself of all nuclear weapons on its soil.

Mr. President, Ukraine has pursued a peaceful and democratic path toward independence and has pledged to respect the rights of all of the peoples of Ukraine. Since its declaration of independence, the Ukrainian Parliament has adopted a decision to release all remaining political prisoners and has informed the participating states of the Conference on Security and Cooperation in Europe that Ukraine will abide

by the Helsinki Final Act and other CSCE documents. Moreover, Ukraine has signed an agreement with Russia in which the two countries recognize each other's rights to independence and affirm each other's territorial integrity.

I believe the time has come to take the new, postcoup realities into account—both the reality of Ukraine's significance as an independent nation and its good faith efforts toward democracy and human rights. Therefore, I am today introducing a resolution urging that the United States recognize Ukraine's independence and undertake steps with a view toward the establishment of full diplomatic relations with the democratic Government of Ukraine following the December 1, 1991, referendum. This referendum is widely expected to confirm the Ukrainian Parliament's act of independence. An identical resolution is being introduced in the House of Representatives by Representatives DON RITTER and DENNIS HERTEL.

Mr. President, Ukraine needs not only our recognition but also our help: political, moral, and economic. While this land has tremendous potential, it also faces the reality of the human, economic, environmental and cultural devastation wreaked by 70 years of Soviet rule. With this in mind, the resolution encourages the Government to shape United States foreign assistance, trade and other programs to support the Government of Ukraine and encourage the further development of democracy and a free market economy. Clearly, we help ourselves by helping Ukraine and other republics become democratic members of the community of nations.

Mr. President, for over 40 years, we have decried the Soviet threat, characterizing it as a menace to world peace and human rights. At the same time, we have voiced support for peaceful and democratic self-determination. The people of Ukraine are demonstrating their commitment to the principles of democracy. Our support is critical during this transition period as they proceed along the path toward democracy and as they reject nuclear weapons. By supporting the legitimate strivings of Ukraine and other republics, we are doing what is right for the United States and what is true to our values. •

## SENATE CONCURRENT RESOLUTION 66—RELATIVE TO REDUCING THE FEDERAL DEFICIT

Mr. LOTT submitted the following concurrent resolution; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

## S. CON. RES. 66

Whereas the 1990 Budget Agreement has already established a plan to reduce the defense budget by 25 percent within 5 years;

Whereas the American people have previously been promised a "peace dividend" by the Congress;

Whereas the 1990 Budget Agreement resulted in defense cuts and increased taxes;

Whereas the people of the United States of America have suffered from a recession caused at least in part by high federal spending and high taxes;

Whereas the dissolution of the Soviet Union has prompted numerous congressional proposals to reduce defense spending beyond what was agreed to in the 1990 Budget Agreement: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of the Congress that any funds determined to be unnecessary for the defense of the United States should be applied directly to the economic defense of the American people by reducing the Federal budget deficit.

#### SENATE RESOLUTION 186— RELATIVE TO HAITI

Mr. GRAHAM (for himself, Mr. MITCHELL, Mr. DODD, Mr. CRANSTON, Mr. DECONCINI, Mr. MACK, and Mr. LEAHY) submitted the following resolution; which was ordered held at the desk by unanimous consent:

S. RES. 186

Whereas the people of Haiti have long suffered under the brutal and arbitrary rule of dictatorship rather than the democratic rule of law;

Whereas in 1986 Haitians from all sectors of society showed great courage in joining together to oust President-for-Life Jean Claude Duvalier;

Whereas an overwhelming majority of Haitians have declared themselves in support of democratic rule by approving a constitution in 1987 establishing a legal framework for the election of a civilian government;

Whereas the 1987 presidential election was cancelled due to widespread violence on the day of election;

Whereas the Haitian people participated in a second internationally supervised election on December 16, 1990, and elected President Jean-Bertrand Aristide by almost 70 percent of the vote in an election that was recognized by international observations as free, fair, and open;

Whereas elements of the military on September 30 launched an armed attack against President Aristide and the people of Haiti;

Whereas President Aristide was forced to leave Haiti and a military junta has seized power;

*Resolved,* That it is the sense of the Senate that—

(1) the President should make clear that the United States supports the restoration of the democratically elected government of President Aristide;

(2) all United States assistance to the Haitian government, economic and military, should remain suspended until democratic government is restored;

(3) the Haitian military should respect the human rights of the Haitian people;

(4) the Organization of American States (OAS) should be commended for vigorously condemning the coup and for its Santiago commitment of June 1991 creating a new automatic mechanism to respond to the interruption of legitimate elected government; and

(5) the international community, particularly the OAS, should take all appropriate

action to restore democratic government in Haiti.

#### AMENDMENTS SUBMITTED

#### FAMILY AND MEDICAL LEAVE ACT OF 1991

#### BOND (AND OTHERS) AMENDMENT NO. 1245

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. FORD, and Mr. COATS) submitted an amendment intended to be proposed by them to the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

#### TITLE I—GENERAL REQUIREMENTS FOR LEAVE

Sec. 101. Definitions.

Sec. 102. Leave requirement.

Sec. 103. Certification.

Sec. 104. Employment and benefits protection.

Sec. 105. Prohibited acts.

Sec. 106. Investigative authority.

Sec. 107. Enforcement.

Sec. 108. Special rules concerning employees of local educational agencies.

Sec. 109. Notice.

Sec. 110. Regulations.

#### TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

Sec. 201. Leave requirement.

#### TITLE III—COMMISSION ON LEAVE

Sec. 301. Establishment.

Sec. 302. Duties.

Sec. 303. Membership.

Sec. 304. Compensation.

Sec. 305. Powers.

Sec. 306. Termination.

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effect on other laws.

Sec. 402. Effect on existing employment benefits.

Sec. 403. Encouragement of more generous leave policies.

Sec. 404. Coverage of the Senate.

Sec. 405. Regulations.

Sec. 406. Effective dates.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions

that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

#### TITLE I—GENERAL REQUIREMENTS FOR LEAVE

##### SEC. 101. DEFINITIONS.

As used in this title:

(1) **COMMERCE.**—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) **ELIGIBLE EMPLOYEE.**—

(A) **IN GENERAL.**—The term "eligible employee" means any "employee", as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who has been employed—

(i) for at least 12 months by the employer with respect to whom leave is sought under section 102; and

(ii) for at least 1,250 hours of service with such employer during the previous 12-month period.

(B) **EXCLUSIONS.**—The term "eligible employee" does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act); or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(C) **DETERMINATION.**—For purposes of determining whether an employee meets the hours of service requirement specified in

subparagraph (A)(ii), the legal standards established under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply.

(3) **EMPLOY; STATE.**—The terms "employ" and "State" have the same meanings given such terms in subsections (g) and (c), respectively, of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (g) and (c)).

(4) **EMPLOYEE.**—The term "employee" means any individual employed by an employer.

(5) **EMPLOYER.**—

(A) **IN GENERAL.**—The term "employer"—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(ii) includes—

(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(II) any successor in interest of an employer; and

(iii) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(B) **PUBLIC AGENCY.**—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(6) **EMPLOYMENT BENEFITS.**—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(7) **HEALTH CARE PROVIDER.**—The term "health care provider" means—

(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine or surgery by the State in which the doctor performs such function or action; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(8) **PARENT.**—The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

(9) **PERSON.**—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(10) **REDUCED LEAVE SCHEDULE.**—The term "reduced leave schedule" means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee.

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

(12) **SERIOUS HEALTH CONDITION.**—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider.

(13) **SON OR DAUGHTER.**—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

#### SEC. 102. LEAVE REQUIREMENT.

(a) **IN GENERAL.**—

(1) **ENTITLEMENT TO LEAVE.**—Subject to section 103, an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care;

(C) in order to care for a son, daughter, spouse, or parent of the employee who has a serious health condition; or

(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(2) **EXPIRATION OF ENTITLEMENT.**—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(3) **INTERMITTENT LEAVE.**—

(A) **IN GENERAL.**—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employer of the employee agree otherwise. Subject to subparagraph (B), subsection (e), and section 103(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

(B) **ALTERNATIVE POSITION.**—If an employee seeks intermittent leave under subparagraph (C) or (D) of paragraph (1) that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(b) **REDUCED LEAVE.**—On agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled under subsection (a).

(c) **UNPAID LEAVE PERMITTED.**—Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.

(d) **RELATIONSHIP TO PAID LEAVE.**—

(1) **UNPAID LEAVE.**—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

(2) **SUBSTITUTION OF PAID LEAVE.**—

(A) **IN GENERAL.**—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection.

(B) **SERIOUS HEALTH CONDITION.**—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C) or (D) of subsection (a)(1) for any part of the 12-week period of such leave under such sub-

section, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(e) **FORESEEABLE LEAVE.**—

(1) **REQUIREMENT OF NOTICE.**—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the birth or adoption for which the leave is to be taken.

(2) **DUTIES OF EMPLOYEE.**—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee; and

(B) shall provide the employer with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the treatment for which the leave is to be taken.

(f) **SPOUSES EMPLOYED BY THE SAME EMPLOYER.**—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

#### SEC. 103. CERTIFICATION.

(a) **IN GENERAL.**—An employer may require that a claim for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer.

(b) **SUFFICIENT CERTIFICATION.**—Certification provided under subsection (a) shall be sufficient if it states—

(1) the date on which the serious health condition commenced;

(2) the probable duration of the condition;

(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

(4)(A) for purposes of leave under section 102(a)(1)(C), a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

(c) **SECOND OPINION.**—

(1) **IN GENERAL.**—In any case in which the employer has reason to doubt the validity of the certification provided under subsection

(a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.

(2) LIMITATION.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.

(d) RESOLUTION OF CONFLICTING OPINIONS.—  
(1) IN GENERAL.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) FINALITY.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(e) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

#### SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—

(1) IN GENERAL.—Any eligible employee who takes leave under section 102 for the intended purpose of the leave shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) LOSS OF BENEFITS.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or  
(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) CERTIFICATION.—As a condition of restoration under paragraph (1), the employer may have a uniformly applied practice or policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 102(a)(1)(D).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to periodically report to the employer on the status and intention of the employee to return to work.

(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

(1) DENIAL OF RESTORATION.—An employer may deny restoration under subsection (a) to any eligible employee described in paragraph (2) if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(B) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) AFFECTED EMPLOYEES.—An eligible employee described in paragraph (1) is a salaried eligible employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(c) MAINTENANCE OF HEALTH BENEFITS.—

(1) COVERAGE.—Except as provided in paragraph (2), during any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any "group health plan" (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

(2) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave under section 102 if—

(A) the employee fails to return from leave under section 102 after the period of leave to which the employee is entitled has expired; and

(B) the employee fails to return to work for a reason other than—

(i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph (C) or (D) of section 102(a)(1); or

(ii) other circumstances beyond the control of the employee.

(3) CERTIFICATION.—

(A) ISSUANCE.—An employer may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—

(i) a certification issued by the health care provider of the eligible employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(D); or

(ii) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(C).

(B) COPY.—The employee shall provide, in a timely manner, a copy of such certification to the employer.

(C) SUFFICIENCY OF CERTIFICATION.—

(i) LEAVE DUE TO SERIOUS HEALTH CONDITION OF EMPLOYEE.—The certification described in subparagraph (A)(i) shall be sufficient if the certification states that a serious health condition prevented the employee from being able to perform the functions of the position of the employee on the date that the leave of the employee expired.

(ii) LEAVE DUE TO SERIOUS HEALTH CONDITION OF FAMILY MEMBER.—The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that the employee is needed to care for the son,

daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.

#### SEC. 105. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

#### SEC. 106. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 107(b).

(d) SUBPOENA POWERS.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

#### SEC. 107. ENFORCEMENT.

(a) CIVIL ACTION BY EMPLOYEES.—

(1) LIABILITY.—Any employer who violates section 105 shall be liable to any eligible employee affected—

(A) for damages equal to—

(i) the amount of—

(I) any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or  
(II) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 12 weeks of wages or salary for the employee;

(ii) the interest on the amount described in clause (i) calculated at the prevailing rate; and

(iii) an additional amount as liquidated damages equal to the sum of the amount de-

scribed in clause (i) and the interest described in clause (ii), except that if an employer who has violated section 105 proves to the satisfaction of the court that the act or omission which violated section 105 was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of section 105, such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under clauses (i) and (ii), respectively; and

(B) for such equitable relief as may be appropriate, including, without limitation, employment, reinstatement, and promotion.

(2) **STANDING.**—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of—

(A) the employees; or

(B) the employees and other employees similarly situated.

(3) **FEES AND COSTS.**—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) **LIMITATIONS.**—The right provided by paragraph (1) to bring an action by or on behalf of any employee shall terminate, unless such action is dismissed without prejudice on motion of the Secretary, on—

(A) the filing of a complaint by the Secretary of Labor in an action under subsection (d) in which—

(i) restraint is sought of any further delay in the payment of the damages described in paragraph (1)(A) to such employee by an employer liable under paragraph (1) for the damages; or

(ii) equitable relief is sought as a result of alleged violations of section 105; or

(B) the filing of a complaint by the Secretary in an action under subsection (b) in which a recovery is sought of the damages described in paragraph (1)(A) owing to an eligible employee by an employer liable under paragraph (1).

(b) **ACTION BY THE SECRETARY.**—

(1) **ADMINISTRATIVE ACTION.**—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 105 in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(2) **CIVIL ACTION.**—The Secretary may bring an action in any court of competent jurisdiction to recover on behalf of an eligible employee the damages described in subsection (a)(1)(A).

(3) **SUMS RECOVERED.**—Any sums recovered by the Secretary on behalf of an employee pursuant to paragraph (2) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) **LIMITATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), an action may be brought under subsection (a) or (b) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(2) **WILLFUL VIOLATION.**—In the case of such action brought for a willful violation of sec-

tion 105, such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(3) **COMMENCEMENT.**—In determining when an action is commenced by the Secretary under subsection (b) for the purposes of this subsection, it shall be considered to be commenced on the date when the complaint is filed.

(d) **ACTION FOR INJUNCTION BY SECRETARY.**—The district courts of the United States shall have jurisdiction, for cause shown, over an action brought by the Secretary to restrain violations of section 105, including actions to restrain the withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to eligible employees.

#### SEC. 108. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) **APPLICATION.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of leave of any employee under this section), remedies, and procedures under this Act shall apply to—

(A) any "local educational agency" (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and an eligible employee of the agency; and

(B) any private elementary and secondary school and an eligible employee of the school.

(2) **DEFINITIONS.**—For purposes of the application described in paragraph (1):

(A) **ELIGIBLE EMPLOYEE.**—The term "eligible employee" means an eligible employee of an agency or school described in paragraph (1); and

(B) **EMPLOYER.**—The term "employer" means an agency or school described in paragraph (1).

(b) **LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.**—A local educational agency and a private elementary and secondary school shall not be in violation of the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this Act.

(c) **INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by any such educational agency or school seeks to take leave under subparagraph (C) or (D) of section 102(a)(1) that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) **APPLICATION.**—The elections described in subparagraphs (A) and (B) of paragraph (1)

shall apply only with respect to an eligible employee who complies with section 102(e)(2).

(d) **RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.**—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by any such educational agency or school:

(1) **LEAVE MORE THAN 5 WEEKS PRIOR TO END OF TERM.**—If the eligible employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) **LEAVE LESS THAN 5 WEEKS PRIOR TO END OF TERM.**—If the eligible employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) **LEAVE LESS THAN 3 WEEKS PRIOR TO END OF TERM.**—If the eligible employee begins leave under paragraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

(e) **RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.**—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an eligible employee to an equivalent position), in the case of a local educational agency or a private elementary and secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) **REDUCTION OF THE AMOUNT OF LIABILITY.**—If a local educational agency or a private elementary and secondary school that has violated title I proves to the satisfaction of the administrative law judge or the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in the discretion of the judge or court, reduce the amount of the liability provided for under section 107(a)(1)(A) to the amount and interest determined under clauses (i) and (ii), respectively, of such section.

#### SEC. 109. NOTICE.

(a) **IN GENERAL.**—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) **PENALTY.**—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed \$100 for each separate offense.

## SEC. 110. REGULATIONS.

Not later than 60 days after the date of enactment of this title, the Secretary shall prescribe such regulations as are necessary to carry out this title.

## TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

## SEC. 201. LEAVE REQUIREMENT.

## (a) CIVIL SERVICE EMPLOYEES.—

(1) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

## "SUBCHAPTER V—FAMILY LEAVE

## "§ 6381. Definitions

"For purposes of this subchapter:

"(1) The term 'employee' means—

"(A) an 'employee', as defined by section 6301(2) of this title (excluding an individual employed by the Government of the District of Columbia); and

"(B) an individual described in clause (v) or (ix) of such section;

who has been employed for at least 12 months by an employing agency and completed at least 1,250 hours of service with an employing agency during the previous 12-month period.

"(2) The term 'health care provider' means—

"(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine or surgery by the State in which the doctor performs such function or action; or

"(B) any other person determined by the Director of the Office of Personnel Management to be capable of providing health care services.

"(3) The term 'parent' means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

"(4) The term 'reduced leave schedule' means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee.

"(5) The term 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves—

"(A) inpatient care in a hospital, hospice, or residential medical care facility; or

"(B) continuing treatment by a health care provider.

"(6) The term 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

"(A) under 18 years of age; or

"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

## "§ 6382. Leave requirement

"(a)(1) An employee shall be entitled, subject to section 6383, to a total of 12 workweeks of leave during any 12-month period—

"(A) because of the birth of a son or daughter of the employee;

"(B) because of the placement of a son or daughter with the employee for adoption or foster care;

"(C) in order to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

"(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

"(2) The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

"(3)(A) Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employing agency of the employee agree otherwise. Subject to subparagraph (B), subsection (e), and section 6383(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

"(B) If an employee seeks intermittent leave under subparagraph (C) or (D) of paragraph (1) that is foreseeable based on planned medical treatment, the employing agency may require such employee to transfer temporarily to an available alternative position offered by the employing agency for which the employee is qualified and that—

"(i) has equivalent pay and benefits; and

"(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

"(b) On agreement between the employing agency and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a).

"(c) Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.

"(d)(1) An employee may elect, or an employing agency may require the employee, to substitute for leave under subparagraph (A), (B), or (C) of subsection (a)(1) any of the accrued annual leave under subchapter I of the employee for any part of the 12-week period of such leave under such subparagraph.

"(2) An employee may elect, or an employing agency may require the employee, to substitute for leave under paragraph (1)(D) of subsection (a) any of the accrued annual leave or sick leave under subchapter I of the employee for any part of the 12-week period of such leave under such paragraph, except that nothing in this subchapter shall require an employing agency to provide paid sick leave in any situation in which such employing agency would not normally provide any such paid leave.

"(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the employee shall provide the employing agency with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the birth or adoption for which the leave is to be taken.

"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

"(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee; and

"(B) shall provide the employing agency with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the treatment for which the leave is to be taken.

## "§ 6383. Certification

"(a) An employing agency may require that a claim for leave under subparagraph (C) or (D) of section 6382(a)(1), be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employing agency.

"(b) A certification provided under subsection (a) shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

"(4)(A) for purposes of leave under section 6382(a)(1)(C), a statement that the employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and

"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

"(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

"(e) The employing agency may require that the employee obtain subsequent recertifications on a reasonable basis.

## "§ 6384. Employment and benefits protection

"(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—

"(1) to be restored by the employing agency to the position of employment held by the employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) Except as otherwise provided by law, nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any seniority or employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

"(d) As a condition to restoration under subsection (a), the employing agency may have a uniformly applied practice or policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work.

"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to periodically report to the employing agency on the status and intention of the employee to return to work.

#### "§ 6385. Prohibition of coercion

"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of the rights of the employee under this subchapter.

"(b) An employee allegation of a violation under subsection (a) is within the jurisdiction of the Merit Systems Protection Board under section 1204(a)(1) and may be investigated by the Special Counsel as a prohibited personnel practice under section 1214.

"(c) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

#### "§ 6386. Health insurance

"(a)(1) Except as provided in paragraph (2), an employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in leave status and arrange to pay into the Employees Health Benefits Fund (described in section 8909) through the employing agency of the employee, the appropriate employee contributions.

"(2) The employing agency may recover the contributions that the agency paid for maintaining such enrollment during any period of unpaid leave under section 6382 if—

"(A) the employee fails to return from leave under section 6382 after the period of leave to which the employee is entitled has expired; and

"(B) the employee fails to return to work for a reason other than—

"(i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph (C) or (D) of section 102(a)(1); or

"(ii) other circumstances beyond the control of the employee.

"(3)(A) An employing agency may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—

"(i) a certification issued by the health care provider of the employee, in the case of an employee unable to return to work because of a condition specified in section 6382(a)(1)(D); or

"(ii) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee in the case of an employee unable to return to work because of a condition specified in section 6382(a)(1)(C).

"(B) The employee shall provide, in a timely manner, a copy of such certification to the employing agency.

"(C)(i) The certification described in subparagraph (A)(i) shall be sufficient if the certification states that a serious health condition prevented the employee from being able

to perform the functions of the position of the employee on the date that the leave of the employee expired.

"(ii) The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that the employee is needed to care for the son, daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.

#### "§ 6387. Regulations

"The Director of the Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1991."

(2) TABLE OF CONTENTS.—The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

#### "SUBCHAPTER V—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE

"6381. Definitions.

"6382. Leave requirement.

"6383. Certification.

"6384. Employment and benefits protection.

"6385. Prohibition of coercion.

"6386. Health insurance.

"6387. Regulations."

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (C); and

(2) by adding at the end the following new subparagraph:

"(E) subchapter V of chapter 63, which shall be applied so as to construe references to benefit programs to refer to applicable programs for employees paid from nonappropriated funds; or"

#### TITLE III—COMMISSION ON LEAVE

##### SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (hereinafter referred to in this title as the "Commission").

##### SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to leave;

(B) the potential costs, benefits, and impact on productivity of such policies on employers; and

(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 108(a); and

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report concerning the subjects listed in paragraph (1).

##### SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 2 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) SENATORS.—One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

(B) MEMBERS OF HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives

shall be appointed by the Minority Leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—

(i) APPOINTMENT.—Two Members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the Majority Leader of the Senate;

(III) the Minority Leader of the House of Representatives; and

(IV) the Minority Leader of the Senate.

(ii) EXPERTISE.—Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of employers.

(2) EX OFFICIO MEMBERS.—The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

##### SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

##### SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out the duties of the Commission. Any appointment shall not interrupt or otherwise affect the civil service status or privileges of the employee appointed.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the

personnel of such agency to assist the Commission in carrying out the duties of the Commission. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(g) **VOLUNTARY SERVICE.**—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

#### SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.

### TITLE IV—MISCELLANEOUS PROVISIONS

#### SEC. 401. EFFECT ON OTHER LAWS.

(a) **FEDERAL AND STATE ANTI-DISCRIMINATION LAWS.**—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) **STATE AND LOCAL LAWS.**—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State and local law that provides greater employee leave rights than the rights established under this Act or any amendment made by this Act.

#### SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) **MORE PROTECTIVE.**—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family and medical leave rights to employees than the rights provided under this Act or any amendment made by this Act.

(b) **LESS PROTECTIVE.**—The rights provided to employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

#### SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.

#### SEC. 404. COVERAGE OF THE SENATE.

(a) **COVERAGE.**—

(1) **APPLICATION.**—The rights and protections established under sections 101 through 105 shall apply with respect to a Senate employee and an employing authority of the Senate.

(2) **DEFINITIONS.**—For purposes of the application described in paragraph (1)—

(A) the term "eligible employee" means a Senate employee; and

(B) the term "employer" means an employing authority of the Senate.

(b) **INVESTIGATION AND ADJUDICATION OF CLAIMS.**—All claims raised by any individual with respect to Senate employment, pursuant to sections 101 through 105, shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to S. Res. 338, 88th Congress, as amended, or such other entity as the Senate may designate.

(c) **RIGHTS OF EMPLOYEES.**—The Committee on Rules and Administration shall ensure that Senate employees are informed of their rights under sections 101 through 105.

(d) **APPLICABLE REMEDIES.**—When assigning remedies to individuals found to have a valid

claim under sections 101 through 105, the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by such sections. Such remedies shall apply exclusively.

(e) **EXERCISE OF RULEMAKING POWER.**—Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in subsection (a) shall be within the exclusive jurisdiction of the United States Senate. The provisions of subsections (b), (c), and (d) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

#### SEC. 405. REGULATIONS.

The Secretary of Labor shall prescribe such regulations as are necessary to carry out sections 401 through 403 not later than 60 days after the date of the enactment of this Act.

#### SEC. 406. EFFECTIVE DATES.

(a) **TITLE III.**—Title III shall take effect on the date of the enactment of this Act.

(b) **OTHER TITLES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), titles I and II and this title shall take effect 6 months after the date of the enactment of this Act.

(2) **COLLECTIVE BARGAINING AGREEMENTS.**—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date that occurs 12 months after the date of the enactment of this Act.

## HIGH SKILLS COMPETITIVE WORKFORCE ACT

### KENNEDY (AND HATFIELD) AMENDMENT NO. 1246

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. KENNEDY (for himself and Mr. HATFIELD) submitted an amendment intended to be proposed by them to the bill (S. 1790) to enhance America's global competitiveness by fostering a high skills, high quality, high performance workforce, and for other purposes, as follows:

At the end of the bill, add the following new title:

### TITLE VII—PRIVATE SECTOR INVESTMENT IN HIGH SKILLS WORKFORCE TRAINING

#### SEC. 701. FINDING AND PURPOSE.

(a) **FINDING.**—Congress finds that American employers in general invest far less in worker training than their international competitors and training for front-line workers and supervisors is virtually non-existent.

(b) **PURPOSE.**—It is the purpose of this title to stimulate increased private sector investment in high skills worker training.

#### Subtitle A—High Skills Training

#### SEC. 711. PURPOSE.

It is the purpose of this subtitle to implement, over a 3-year period, a system under which employers with 20 or more employees will annually invest not less than one per-

cent of their payroll expenditures in programs to provide organized training for their front-line employees or pay such amounts into a fund from which grants will be made to provide such training.

#### SEC. 712. DATA COLLECTION ON QUALIFIED EDUCATION AND TRAINING EXPENDITURES BY EMPLOYERS.

(a) **ASSEMBLING OF INFORMATION.**—Not later than December 31, 1993, each employer who employs 20 or more employees shall assemble information concerning the qualified education and training expenditures that each such employer has incurred during the 1993 calendar year.

(b) **PROVISION OF INFORMATION.**—Not later than January 31, 1994, each employer described in subsection (a) shall provide the information assembled in accordance with such subsection to the Secretary of Labor.

(c) **REGULATIONS.**—Subsections (a) and (b) shall be carried out in accordance with such regulations as the Secretary of Labor shall publish for comment in the Federal Register not later than 60 days after the date of enactment of this Act. The Secretary of Labor shall promulgate final regulations under this section not later than 6 months after such date of enactment.

(d) **DEFINITION.**—For purposes of this section, the term "qualified education and training expenditures" means amounts paid or incurred for—

(1) employee training that meets or is consistent with relevant certification standards established under section 202;

(2) training provided through an apprenticeship program registered with the Bureau of Apprenticeship and Training of the Department of Labor or with a State Apprenticeship Agency recognized by such Bureau; or

(3) prior to the establishment of relevant certification standards under section 202, tuition and instructional costs for the organized instruction of front-line employees in occupationally-related skills.

#### SEC. 713. WORKFORCE TRAINING ASSESSMENT, REDUCTION FOR EMPLOYERS WITH TRAINING PROGRAMS.

(a) **IMPOSITION OF ASSESSMENT.**—

(1) **IN GENERAL.**—Subtitle C of the Internal Revenue Code of 1986 (relating to employment taxes) is amended by inserting after chapter 24 the following new chapter:

#### "CHAPTER 24A—WORK FORCE TRAINING ASSESSMENT ACT

"Sec. 3431. Assessment on employers.

"Sec. 3432. Definitions and special rules.

"Sec. 3433. Short title.

#### "SEC. 3431. ASSESSMENT ON EMPLOYERS.

"(a) **IMPOSITION OF ASSESSMENT.**—There is hereby imposed on each employer for any calendar year an assessment in an amount equal to 1 percent (0.5 percent in 1994) of the total wages paid to employees by the employer during the calendar year with respect to employment.

"(b) **EXCEPTION FOR SMALL EMPLOYERS.**—This section shall not apply to any employer for any calendar year if, on a normal business day during the preceding calendar year, such employer had fewer than 20 employees.

"(c) **REDUCTION IN ASSESSMENT FOR EMPLOYERS WITH TRAINING PROGRAMS.**—

"(1) **IN GENERAL.**—

"(A) **GENERAL RULE.**—Except as provided in subparagraph (B), the amount of the assessment imposed by subsection (a) shall be reduced (but not below zero) by the average qualified education and training expenditures of the employer during the 3-calendar year period immediately preceding the calendar year.

"(B) TRANSITION RULE.—The amount of the assessment imposed by subsection (a)—

"(i) for 1994 shall be reduced (but not below zero) by the qualified education and training expenditures of the employer during calendar year 1993; and

"(ii) for 1995 shall be reduced (but not below zero) by the average qualified education and training expenditures of the employer during the 2-calendar year period immediately preceding calendar year 1995.

"(2) REASONABLE EXPECTATION OF CONTINUED EXPENDITURES.—Paragraph (1) shall only apply if it may reasonably be expected that the employer will continue to make a similar level of qualified education and training expenditures during the calendar year.

**"SEC. 3432. DEFINITIONS AND SPECIAL RULES.**

"(a) IN GENERAL.—For purposes of this chapter, any term which is used in this chapter which is also used in chapter 23 shall have the same meaning as when used in chapter 23.

"(b) QUALIFIED EDUCATION AND TRAINING EXPENDITURES.—For purposes of this chapter, the term 'qualified education and training expenditures' means amounts paid or incurred for—

"(1) employee training that meets or is consistent with relevant certification standards established under section 202 of the High Skills, Competitive Workforce Act of 1991;

"(2) training provided through an apprenticeship program registered with the Bureau of Apprenticeship and Training of the Department of Labor or with a State Apprenticeship Agency recognized by such Bureau; or

"(3) prior to the establishment of relevant certification standards under section 202 of the High Skills, Competitive Workforce Act of 1991, tuition and instructional costs for the organized instruction of front-line employees in occupationally-related skills.

"(c) ADMINISTRATION.—For purposes of the administration and collection of the assessment imposed by this chapter, such assessment shall be treated in the same manner as the tax imposed by section 3301.

**"SEC. 3433. SHORT TITLE.**

"This chapter may be cited as the 'High Skills Training Assessment Act'."

(2) CONFORMING AMENDMENT.—The table of sections for subtitle C of such Code is amended by inserting after the item relating to chapter 24 the following new chapter:

**"CHAPTER 24A. High Skills Training Assessment Act."**

**(b) TRUST FUND.—**

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

**"SEC. 9511. HIGH SKILLS TRAINING TRUST FUND.**

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'High Skills Training Trust Fund', consisting of such amounts as may be appropriated or credited to such fund under this section or section 9602(b).

"(b) TRANSFER TO FUND.—There is hereby appropriated to the High Skills Training Trust Fund amounts equivalent to taxes received in the Treasury under chapter 24A (relating to the high skills training assessment).

"(c) EXPENDITURES FROM FUND.—Amounts in the High Skills Training Trust Fund shall be available, as provided by appropriation

Acts, for purposes of carrying out programs established under the High Skills, Competitive Workforce Act of 1991."

(2) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

**"Sec. 9511. High Skills training trust fund."**

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid after December 31, 1993.

**Subtitle B—High Skills Training Trust Fund**  
**SEC. 721. PURPOSE AND ESTABLISHMENT OF TRUST FUND.**

(a) PURPOSE.—It is the purpose of this section to establish an employment based training trust fund to support the awarding of grants and loans for workforce training programs. Such fund shall be financed by assessments on employers with 20 or more employees under chapter 24A of the Internal Revenue Code of 1986 (as added by section 713 of this Act).

(b) ESTABLISHMENT.—The Secretary shall establish, in the Treasury of the United States, a trust fund, to be known as the High Skills Training Trust Fund (hereafter referred to in this subtitle as the "Trust Fund"), consisting of such amounts as are transferred to the Trust Fund under this title and any interest earned on the investment of amounts in the Trust Fund under section 722.

**SEC. 722. ADMINISTRATION OF TRUST FUND.**

(a) AMOUNTS IN FUND.—

(1) IN GENERAL.—The Secretary of the Treasury is authorized to accept and shall transfer to the Trust Fund—

(A) an amount equal to the sum of the amounts collected under chapter 24A of the Internal Revenue Code of 1986; and

(B) an amount equal to the sum of any income earned from the investment of funds under subsection (b).

(2) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) ADMINISTRATION.—Amounts in the Trust Fund shall be administered by the Secretary of Labor.

(b) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing

obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(c) OBLIGATIONS FROM TRUST FUND.—

(1) IN GENERAL.—The Secretary is hereafter authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) to States for State grant or loan programs as described in section 723.

(2) AMOUNTS.—Amounts obligated to a State under paragraph (1) shall be based on the size of the contributions from employers in such State under chapter 24A of the Internal Revenue Code of 1986 relative to the contributions of the employers of all other States.

**SEC. 723. TRAINING GRANTS AND LOANS.**

(a) IN GENERAL.—A State shall use amounts received under section 722(c) to establish a Statewide program to award grants and loans to eligible entities to provide skill training, literacy and basic skills instruction, and other services to upgrade and retrain the workforce of such entities, and to provide training for the implementation of high performance work organizations.

(b) HIGH SKILLS TRAINING PANEL.—

(1) ESTABLISHMENT.—The chief executive officer of a State that receives funds under this section shall establish an independent High Skills Training Panel to administer the State grant and loan program.

(2) COMPOSITION.—The members of a panel established under paragraph (1) shall be appointed by the chief executive officer for the State involved and shall be representative of private employers, labor organizations, State and local government, and educational institutions. A majority of the members of such panel shall be representatives of the private sector. The members of such panel who are representatives of labor organizations shall be selected from among individuals recommended by recognized State and local labor organizations.

(3) CHAIRPERSON.—The chief executive officer of the State involved shall appoint the chairperson of the panel established under paragraph (1) from among the prior sector representatives.

(4) FUNCTIONS.—A panel established under paragraph (1) shall—

(A) establish priorities for the provision of funds among regions of the State, sectors of the economy, and eligible entities;

(B) develop performance measures for training that are applicable to eligible entities, including attainment of certifications, productivity and quality improvements, and other appropriate measures;

(C) coordinate activities with the Regional Employment and Training Boards established under section 601(c)(3) and with existing entities such as State Job Training Coordinating Councils, Private Industry Councils, State economic development and training agencies, and other existing, publicly funded, advisory boards; and

(D) develop or cause to be developed a strategic plan for the widespread implementation of high performance work organizations and high skills training programs throughout the State (such plan to be coordinated with the appropriate State agencies and reflect the standards addressed in title II, to the extent that such standards have already been established).

(c) ADMINISTRATION.—Existing State labor, educational, and economic development agencies may be used for the administration of grants and loans provided to the State from the Trust Fund.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant or loan under subsection (a), an entity shall—

(1) be an employer or group of employers operating within the State and may also include one or more community colleges, training institutions, industry associations, labor organizations, Private Industry Councils, State economic development, training or industrial modernization agencies, or High Skills Training Consortia established under title VI;

(2) prepare and submit to the panel established under subsection (b) an application that has been approved by the Regional Employment and Training Board established under section 601(c)(3), where such Board exists, at such time, in such manner, and containing such information as the State may require, including a description of activities that such entity will carry out with funds received under such grant or loan; and

(3) provide assurances that—

(A) priority shall be given to training to upgrade the education and skills of front-line workers and training for lower and middle management supervisory personnel in implementing a high performance work organization;

(B) if the training is to be provided by an employer covered under a collective bargaining agreement, the appropriate labor organization concurs in the application for funding; and

(C) not to exceed 15 percent of amounts received under a grant or loan will be used for expenses associated with the efforts of the entity to diagnose workplace needs and redesign work for high performance work organization.

(e) SMALL EMPLOYERS.—Employers with fewer than 20 employees that are exempt from contributing amounts under chapter 24A of the Internal Revenue Code of 1986 are eligible to apply for grants or loans from the High Skills Training Trust Fund.

(f) ACTIVITIES.—An entity, directly or through contracts with organizational consultants or training providers, shall use amounts received under a grant or contract under this section to provide—

(1) literacy and basic skills instruction for employees, including instruction leading to a high school diploma, GED or other appropriate certificate of mastery; and

(2)(A) training for employees that meets or is consistent with relevant certification standards established under section 202; or

(B) prior to the establishment of relevant certification standards under section 202, skills training to upgrade and retrain employees in occupational skills necessary to

implement a high performance work organization, including training for quality systems such as total quality management, management resource planning, and computerization and statistical process control.

(g) PRIORITY CONSIDERATION.—In awarding grants or providing loans under subsection (a), a State shall accord priority consideration to applications that provide for programs that—

(1) utilize world-class occupational standards;

(2) serve small businesses or underserved sectors of industry;

(3) involve labor organizations or other means of involving the workforce;

(4) leverage other public employment and training resources, such as providing job openings for referrals from the Job Training Partnership Act system when training has been used to upgrade the skills of existing employees; or

(5) show a commitment by the employers to develop their own training capacity and to invest further resources in on-going training.

(h) ADMINISTRATIVE EXPENSES.—The recipient of a grant under this section may not expend in excess of an amount equal to 15 percent of the direct costs of training provided under the grant for reasonable administrative expenses.

#### Subtitle C—Educational Assistance to Employees

#### SEC. 731. PERMANENT EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) PURPOSE.—It is the purpose of this section to foster increased worker participation in educational programs by making permanent the exclusion in the Internal Revenue Code for employer-provided educational assistance to employees.

(b) IN GENERAL.—Section 127 of the Internal Revenue Code of 1986 is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(c) QUALIFIED EDUCATION AND TRAINING EXPENDITURES.—Employer-provided educational assistance under this section shall not be deemed "qualified education and training expenditures" under section 343(c)(1) of chapter 24A of subtitle C of the Internal Revenue Code of 1986, as amended by section 713 of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

#### NOTICES OF HEARINGS

##### SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 15, 1991, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measures currently pending before the subcommittee:

S. 209 and H.R. 476, to designate certain rivers in the State of Michigan as

components of the National Wild and Scenic Rivers System, and for other purposes; and

S. 1743, to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 17, 1991, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 1225, a bill to designate certain lands in California as wilderness, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 1, 1991, at 9:30 a.m. to hold confirmation hearings on Robert M. Gates to be Director of Central Intelligence.

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

## SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., October 1, 1991, to receive testimony on S. 452, S. 807, S. 1182, S. 1183, S. 1184, and S. 1185.

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

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, October 1, 1991, at 10:30 a.m., for a hearing on the introduction of the High Skills, Competitive Workforce Act.

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

## SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on October 1, 1991, beginning at 2:30 p.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 962, legislation to reaffirm the inherent authority of tribal governments to exercise criminal jurisdiction over all Indian people of reservation lands; S. 1720, reauthorization of the Navajo-Hopi Relocation Housing Program; S. 1287, Tribal Self-Governance Demonstration Project; and S. 754, standards for eligibility/Federal assistance.

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

## ADDITIONAL STATEMENTS

## SUPPORT OF THE MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

• Mr. SIMON. Mr. President, I rise in support of the bill to authorize additional funding for the Martin Luther King, Jr. Federal Holiday Commission. I am pleased to sign on as a cosponsor of this legislation.

The Commission has achieved an impressive record of past successes. In the 7 years since the Commission was established, the holiday in honor of Dr. King has become an important part of American culture. The Commission's success in institutionalizing the Martin Luther King, Jr. Holiday has been remarkable, and I am especially pleased with the work that the Commission has done to include education as well as remembrance as part of the observation of Dr. King's birthday and the celebration of his life.

I appreciate the Commission's past efforts to promote racial and ethnic equality, and I recognize the need for staff and other resources in order to re-

alize this dream. I am confident that increased funding will enable the Commission to continue its fine work, and to bring its message to more people so that they, too, might make a difference. •

## GREEN COUNTY COURTHOUSE CENTENNIAL

• Mr. KASTEN. Mr. President, I rise today to honor an important anniversary in Wisconsin's Green County. The Green County Courthouse in Monroe, WI, is celebrating its centennial this year.

For 100 years, this building has been a witness to the history of Green County—a living symbol of justice and liberty.

Its predecessor, the first courthouse in Green County, burned to the ground in the early 1840's before it could actually be completed—setting the stage for the building of the wonderful edifice that exists today.

This facility was built for \$52,390 by local masons. They used red brick from Maiden Rock, WI, from the basement of the building to its attic. In 1892, a tower clock was added which still graces the building—and the tower itself was reinforced with concrete in 1955. •

## TRIBUTE TO DON SHULA; 300-GAME NFL WINNER

• Mr. GRAHAM. Mr. President, there are two coaches in the history of the National Football League [NFL] to win 300 games. The newest 300-game winner is Coach Don Shula of the Miami Dolphins.

With the Dolphins' victory September 22 over the Green Bay Packers, Don Shula earns a place on a very short list of winning coaches and earns a place in history.

This milestone occurred 28 years to the day that Don Shula achieved his first victory in the National Football League, when he was coach of the Baltimore Colts.

Don Shula is more than a great football coach. He's a leader in Miami, and contributes in countless ways to that community, including to the United Way. He is a leader of America's sports community. And, Don Shula is a devoted family man. His son, Mike Shula, is an assistant coach with the Dolphins.

Earlier this year, Don Shula lost his wife of 33 years, Dorothy Shula, to cancer. Her loving husband, who looks to the future, has recently established a foundation to help fight breast cancer.

Don Shula is not one to dwell on the past, nor on himself. His son Mike says he never heard his father mention the topic of winning 300 games, unless he was asked about it.

"That's the way he is—not caught up in the records," said Mike Shula. "But

I can tell you, he's proud of it underneath. \* \* \*

Mr. President, we share in that pride for this legendary sports leader.

We congratulate his achievements in football and we salute his integrity and sense of dignity.

It is an honor to call Don Shula a friend. •

## THE IMPORTANT SUBJECT OF TOBACCO

• Mr. MCCONNELL. Mr. President, today, I would like to speak a few moments on the ever-important subject of tobacco. This industry is not only of great significance to my State of Kentucky, but to the heritage of the entire Nation.

No one can doubt that tobacco is the most deeply rooted commodity in our history. Its role in America's settlement, early development, and eventual independence is incalculable. Tobacco created new enterprises and attracted Europeans to the colonies forming the base of a mighty nation and a far-flung industry.

In 1492, when Christopher Columbus arrived in the New World, he found this unfamiliar plant. The Indians were using it for smoking, chewing, and snuff. John Rolfe began the commercial cultivation of tobacco at the Jamestown Colony in 1612. The English settlers soon acquired seeds of many varieties and production increased rapidly. With encouragement from Sir Walter Raleigh, American tobacco was being used in Europe by the early 17th century.

Tobacco soon became the economic foundation of the colonies. It was the only commodity that the settlers could produce to exchange for essential manufactured goods. Tobacco was the salvation of the struggling Jamestown Colony. In 1730, the leaf itself became currency. Its uses ranged from buying rum to paying the salaries of the clergy. I will ask to place in the RECORD an article from the Lexington Herald-Leader, dated September 21, 1991, by Paul Prather.

"Criticism of Tobacco Challenges a Way of Life" is one of the most thought-provoking articles I have read recently which illustrates the importance of tobacco on the community. By community, I mean the everyday existence of each and every member of a small town, a large town, or metropolitan area. We cannot forget how this great Nation was built. It was built on the backs of the farmers, many tobacco farmers. To quote Mr. Prather:

\* \* \* There was an economy built around those farms: families were fed, preachers paid, teens employed, bankers and merchants enriched. All by tobacco.

Tobacco extended the boundaries of the original colonies by drawing settlers to the new west of Kentucky, Tennessee, Ohio, and Missouri, where

differing soils were used to produce the many types of tobacco which make up the blended products we used today. As you can see, tobacco is at the foundation of many communities, either by being a direct producer of the plant or by being the home of the manufacturers involved in the making of tobacco products.

Tobacco provides jobs to countless Americans. The hundreds of thousands of people involved in the tobacco industry buy cars built in Michigan, refrigerators built in Iowa, computers from California, and buy insurance from New York companies. Also, the billions of tax dollars supplied by the many facets of the tobacco industry support schools, pay for roads, helped build America, and sustains the history we are all so very proud of.

While tobacco helped the Nation pass through its early growing pains, it has remained a vital element. It has maintained its place as a dynamic force in our national economy. It has touched in one way or another for over 400 years on almost every aspect of human life—religion, education, agricultural advancement, politics, and the arts. It is my sincere hope that it will continue to do so for another 400 years.

Mr. President, I hope each and every one of my colleagues will take a moment to read this article and reflect on our history and heritage. We must turn back to the basics in this day and age of economic distress. To use a familiar quote, "we must dance with the one that brung us". The "one that brung us" was the farmer, the tobacco farmers of the 17th century and today.

I ask that the article be printed in the RECORD.

The article follows:

**CRITICISM OF TOBACCO CHALLENGES A WAY OF LIFE**

(By Paul Prather)

When I was in high school, my dad was pastor of a rural Baptist congregation in Taylor County.

Tobacco was the basis of the church's life. After Sunday school, the men would stand around on the concrete front porch, smoking cigarettes and chatting about their burley crops until a piano proclaimed the start of the morning's worship.

Then they would toss their still-lighted cigarette butts into the churchyard and reluctantly enter the sanctuary to sing hymns.

Those men's farms provided the tithes that paid my father's salary. Those same farms gave me my first jobs; dropping sticks in sweltering tobacco patches and tossing heavy hay bales onto farm wagons.

I've often thought of that church and its community. There was, as I recall, a rich grace to the place. It was a richness of land well-tended; of relationships formed over generations, of a common lore, both humorous and cautionary, about people who had done wise or stupid things from which lessons were to be drawn.

Too, there was an economy built around those farms; families were fed, preachers paid, teens employed, bankers and merchants enriched. All by tobacco.

As an adult, I have seen another side of the tobacco industry, though. I have watched my

aunt wither from lung cancer. She was so addicted to cigarettes that even as her scorched lungs gave out, she couldn't stop smoking.

And I've often wondered how Christians are to draw moral distinctions between those contrasts; tobacco as the source of a time-honored rural culture imbued with humanity and religious faith and tobacco as the source of a multibillion dollar industry that has helped kill millions of people.

To their credit, Lexington Theological Seminary and the Kentucky Appalachian Ministry of the Christian Church (Disciples of Christ) tried a couple of weeks ago to wrestle with that dilemma.

They held a workshop called "The Tobacco Church" that attracted dozens of ministers, seminary students, faculty and lay people.

All the speakers seemed to agree on one thing: Tobacco is the only crop that currently can sustain Kentucky's battered agricultural system, which has lost more than 150,000 farms in the last 50 years.

In 1990, tobacco crops grossed \$4,000 an acre for farmers, said William Snell, a tobacco economist at the University of Kentucky. Corn grossed \$200 an acre.

And the demand for tobacco remains strong. Americans are smoking less, but other countries want more Kentucky burley, at least for the near future.

Anti-tobacco activists, of course, say that the health risks related to smoking mean production should be curtailed and tobacco supports to farmers cut.

It's a tough issue.

Bath County laywoman and farm activist Dorothy Robertson spoke eloquently of the role tobacco had played in the life of her rural community. At her Bethel Christian Church, parishioners once grew a tobacco crop in the churchyard to pay the church's bills.

But Bethel and churches like it have been ravaged by a continuing farm crisis—and by an exodus of farmers' children to cities.

Quit trading in tobacco and you destroy what's left of the bedrock of Kentucky's economy and history.

Rather than complaining about the moral problems of tobacco, said author and farmer Wendell Berry, churches could help local farmers by buying meat and vegetables from them directly, cutting out supermarket middlemen.

Food would become cheaper and fresher for consumers, and far more profitable for farmers.

If religion is going to become a strong societal force again, he said, "Christian people are going to have to start thinking about Christian economics."•

**HONORING MR. EWING M. KAUFFMAN**

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a remarkable man who has devoted years of public service to the city of Kansas City, MO. I am speaking of Mr. Ewing M. Kauffman.

Ewing Kauffman is the founder of Marion Laboratories, Inc., and currently serves as the chairman emeritus of the board of directors of Marion Merrell Dow, Inc. In addition to his work at Marion Laboratories, Inc., Ewing has served as a remarkable business and civic leader. He has received

the Distinguished Service Award from the Fellowship of Christian Athletes and in 1986, Mr. Kauffman received the Kansas Citian of the Year Award, presented by the Chamber of Commerce of Greater Kansas City. He is a recipient of the Horatio Alger Award and the Golden Plate Award from the American Academy of Achievement.

Mr. Kauffman has tirelessly served the youth of America as a long time advocate of drug abuse education and prevention. He has taken an active role in programs supported by the Ewing Marion Kauffman Foundation, such as project STAR [Students Taught Awareness and Resistance] and Project Choice. In 1987, he received the Special Honor Award from the International Narcotic Enforcement Officers Association, Inc. In 1989, he was named to the Presidential Drug Advisory Council to aid the President and the Director of Drug Control Policy in the development and implementation of a national drug policy. In 1989, Mr. Kauffman received the Friend of Education Award given annually by the Chamber of Commerce of Greater Kansas City.

The years of pleasure that the fans of the Kansas City Royals baseball team have enjoyed can be greatly attributed to Mr. Kauffman's financial contributions, as well as his loyal support of the players and managers. The Royals have provided all-American entertainment in addition to instilling a strong sense of pride for the people of Kansas City since 1969.

Mr. President, the people of Kansas City are grateful for Ewing Kauffman's years of service, loyalty, and dedication to Kansas City and the youth of America. I join his family and many friends in wishing him a happy 75th birthday. Kansas City is indeed fortunate to have such a dedicated public servant as Ewing M. Kauffman.•

**BUDGET SCOREKEEPING REPORT**

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by \$0.4 billion in budget authority, and under the budget resolution by \$0.4 billion in outlays. Current level is \$1 billion below the revenue target in 1991 and \$6 million below the revenue target over the 5 years, 1991-95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$326.6 billion, \$0.4 billion below the maximum deficit amount for 1991 of \$327 billion.

The report follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 30, 1991.

Hon. JIM SASSER,  
Chairman, Committee on the Budget, U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through September 27, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 23, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,

ROBERT D. REISCHAUER,  
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,  
102D CONG., 1ST SESS., AS OF SEPT. 27, 1991

(In millions of dollars)

	Revised on-budget aggregates <sup>1</sup>	Current level <sup>2</sup>	Current level +/- aggregates
<b>On-budget:</b>			
Budget authority	1,189.2	1,188.8	-0.4
Outlays	1,132.4	1,132.0	-0.4
Revenues			
1991	805.4	805.4	3
1991-95	4,690.3	4,690.3	3
Maximum deficit amount	327.0	326.6	-0.4
Direct loan obligation	20.9	20.6	-0.3
Guaranteed loan commitments	107.2	106.9	-0.3
Debt subject to limit	4,145.0	3,542.1	-602.9
<b>Off-budget:</b>			
Social Security outlays:			
1991	234.2	234.2	
1991-95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991-95	1,736.3	1,736.3	

<sup>1</sup>The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101-508).

<sup>2</sup>Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101-508) and in consultation with the Budget Committee, current level excludes \$45.3 billion in budget authority and \$34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; \$0.1 billion in budget authority and \$0.2 billion in outlays for debt forgiveness for Egypt and Poland; and \$0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a Budget Reconciliation Act (Public Law 101-508), and revenues include the Office of Management and Budget's estimate of \$3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101-509). The current level off debt subject to limit reflects the latest U.S. Treasury information on public transactions.

<sup>3</sup>Less than \$50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,  
102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL,  
FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS SEPT.  
27, 1991

(In millions of dollars)

	Budget authority	Outlays	Revenues
<b>I. Enacted in previous sessions:</b>			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	-210,616	-210,616	
<b>Total enacted in previous sessions</b>	<b>1,178,546</b>	<b>1,098,770</b>	<b>834,910</b>

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,  
102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL,  
FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS SEPT.  
27, 1991—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
<b>II. Enacted this session:</b>			
Extending IRS Deadline for Desert Storm troops (H.R. 4, Public Law 102-2)			-1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102-16)	2	2	
Disaster emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102-27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102-26)	3	3	
OMB domestic discretionary sequester	-2	-1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102-55)	( <sup>1</sup> )		
<b>Total enacted this session</b>	<b>3,826</b>	<b>1,405</b>	<b>-1</b>
<b>III. Continuing resolution authority</b>			
<b>IV. Conference agreements ratified by both Houses</b>			
<b>V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates</b>	<b>-8,572</b>	<b>539</b>	
<b>VI. Economic and technical assumption used by Committee for budget enforcement act estimates</b>	<b>15,000</b>	<b>31,300</b>	<b>-29,500</b>
<b>On-budget current level</b>	<b>1,188,799</b>	<b>1,132,014</b>	<b>805,409</b>
<b>Revised on-budget aggregates</b>	<b>1,189,215</b>	<b>1,132,396</b>	<b>805,410</b>
<b>Amount remaining:</b>			
Over budget resolution			
Under budget resolution	416	382	1

<sup>1</sup> Less than \$500,000.

Note.—Numbers may not add due to rounding.

A TRIBUTE TO OUR VETERANS

• Mr. D'AMATO. Mr. President, on October 5, 1991, the Veterans Council of Newark, NY, will be hosting a welcome home celebration for the 30 members of their community who proudly served in combat areas of Operation Desert Storm. The Veterans Council, which is made up of members of the American Legion and Veterans of Foreign Wars, will also honor the memories of those who made the ultimate sacrifice in previous wars as well as those who gave their lives in the Persian Gulf conflict.

America's victory against the forces of tyranny and aggression in the Persian Gulf stands as one of the monumental achievements in our Nation's history. The courage of all our service men and women on the battlefield has breathed new life into the immense patriotism of the American people. For this, we shall always be grateful.

We can take pride in our Armed Forces, which demonstrated sheer brilliance in executing the war against Saddam Hussein's forces. Indeed, we are indebted to the hundreds of thousands of brave men and women who risked their lives in order that

Saddam's aggressive threats against world peace be ended.

As a U.S. Senator, I salute the veterans of Operation Desert Storm and all foreign wars for their selfless efforts on behalf of our Nation's most noble ideals in the struggle for freedom. •

INDIA'S COURAGEOUS ECONOMIC REFORMS

• Mr. DECONCINI. Mr. President, I want to take this opportunity to welcome India into the growing community of nations which have begun to turn away from socialism and protectionism in favor of free-market principles and respect for individual economic rights. In the short time Indian Prime Minister P.V. Narasimha Rao has been in office, he has implemented a number of truly radical economic reforms designed to dismantle bureaucratic controls over domestic and foreign industries. The Prime Minister has also slashed government subsidies, adopted a budget which reduces military expenditures 28 percent this year, and increased incentives for foreign investment. The Republic of India has even renounced protectionism and is encouraging foreign firms to export to, and invest in, India. American and other multinational companies may now own up to 51 percent of any domestic industry. These reforms are a positive development for the Indian people and represent India's seriousness about its reentry into the world economy. Those who would transform the moribund Soviet economy could do themselves a favor by closely examining the sweeping changes occurring in India.

As the most populous working democracy in the world, India plays a pivotal role in global politics. It is important for the Senate to acknowledge recent changes there and to encourage India to further pursue economic liberalization in addition to respect for human rights and a resolution to the Kashmir problem. India has moved forward, but can indeed, move farther. India must improve its human rights record domestically and include this goal in its foreign policy.

The principle of respect for human rights is sweeping the globe as never before. For the sake of the Indian people, I hope that the courageous economic reforms taking place there will translate into an improved human rights record as well. While there are issues on which our countries continue to disagree, today we congratulate the bold leadership of the new government in New Dehli for the steps it has taken to improve the lives of its people. •

SMALL BUSINESS EXPORTS

• Mr. KASTEN. Mr. President, I rise today to commend the efforts of Ambassador Carla A. Hills and the U.S. Trade Representative for their efforts

in helping American small businesses export quality goods and services to foreign nations. Small businesses make up almost 25 percent of our Nation's exporters. It is vital that they receive fair treatment in foreign markets.

Small business men and women compose the backbone of the American business community. They step into business at the ground level and construct an enterprise that is of great value to society, both in jobs it creates, and in the products it provides for consumers. At the same time, small businesses have very little margin for error as they run the risks inherent in the economic world.

The products that result from this system are some of the best America has to offer. The world market is becoming more and more competitive. U.S. business cannot settle for second best. We cannot afford to take a backseat to foreign companies. As the United States strives to export more to the world, we must in turn increasingly look to small business to provide the innovation which drives American exports.

Any U.S. small business that manages to avoid the pitfalls of creating a product for export can still be prevented from succeeding by unfair trade restrictions imposed by foreign governments. As our country enters a period of increased economic cooperation with our foreign neighbors, I want to ensure that our small businesses have a fair chance to compete against foreign enterprises in the spirit of free trade and an open market.

My colleagues on the Senate Small Business Committee and I sent a letter to Ambassador Hills expressing our concern on this issue. I would like to submit to the RECORD both the letter sent by me and my colleagues, and Ambassador Hills' response.

Indeed, the U.S. Trade Representative has been actively pursuing the goals set forth under the spirit of the 1988 trade bill Public Law 100-148 to ensure that the interests of small businesses are met in trade agreements. I commend Ambassador Hills and her commitment to American small business. However, the United States must continue to look to the future. As we go forward with the free-trade agreement with Mexico and other important negotiations, we must make sure the lines of communication with the small business community are maintained. In the future there will be many issues where small business interests will be at stake. I believe that we have started in the proper direction in terms of the concerns of U.S. small business. It will be a priority of mine to ensure that this continues, because we owe our small businesses and their employees nothing less than fair conditions for competition in international markets.

I ask that the two letters referenced earlier be printed in the RECORD.

The material follows:

U.S. SENATE,  
COMMITTEE ON SMALL BUSINESS,  
Washington, DC, June 13, 1991.

Hon. CARLA A. HILLS,  
Office of the U.S. Trade Representative, Wash-  
ington, DC.

DEAR AMBASSADOR HILLS: As you know, the 1988 Omnibus Trade bill, PL. 100-418, included a "Sense of Congress" section which stated that the United States Trade Representative (USTR) should appoint a special trade assistant for small business. This provision was based on the strong recommendation of small businesses who testified before the Senate Small Business Committee, who believed that small business interests had not been adequately considered by the USTR's office in the past. It is our understanding that this position has not yet been filled.

As members of the U.S. Senate Small Business Committee, we strongly believe this post is vital to serving the needs of small businesses seeking to sell their products and services abroad. U.S. small businesses already account for almost 25% of all U.S. exporters; in addition, small manufacturers are suppliers to larger U.S. exporters. We believe that this emerging trade sector deserves the direct attention of America's trade negotiators. With the forthcoming Free Trade Agreement with Mexico and the GATT Round talks, the small business sector needs a representative to ensure that U.S. trade policy encompasses their needs and interests.

We hope you will consider the addition of a small business trade assistant to the USTR as soon as possible.

Best Regards,

Dale Bumpers, Robert W. Kasten, Jr.,  
John F. Kerry, Conrad R. Burns, Joe  
Lieberman, Alan J. Dixon, Paul  
Wellstone, Max Baucus, Harris  
Wofford, Sam Nunn, Kit Bond, Malcolm  
Wallop, Connie Mack, Tom Harkin,  
Barbara A. Mikulski, Larry Pressler,  
Carl Levin, John Seymour, Ted Stev-  
ens.

THE U.S. TRADE REPRESENTATIVE,  
EXECUTIVE OFFICE OF THE PRESIDENT,  
Washington, DC.

Hon. ROBERT W. KASTEN, Jr.,  
U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: Thank you for your letter of June 13, concerning the need to serve small businesses seeking to sell their products and services abroad.

I agree fully that small business firms provide a special opportunity for expanding exports now and for building a base for export expansion in the years ahead. I have taken several steps that I believe are in accord with the sense of the Congress as expressed in the Omnibus Trade and Competitiveness Act of 1988.

First, Congress in 1974 established an extensive private sector advisory committee system to the U.S. Trade Representative. Today, that system includes 40 committees and about 1,000 advisors. Eight of these committees are policy-level; the remainder are technical or sectoral. I have had my staff appoint representatives from small businesses to sit on a large number of the policy committees including the President's Advisory Committee on Trade Policy and Negotiations, the Industry Policy Advisory Committee, the Defense Policy Advisory Committee, the Investment Policy Advisory Committee, and the Services Policy Advisory Committee. In addition, small business representa-

tives serve throughout the sector advisory committees.

One of those advisory committees, the Industry Sector Advisory Committee on Small and Minority Business (ISAC 14) has twenty-two small business owners who have been very effective in the role of trade advisers. They have provided astute advice on how the U.S.-Canada Free Trade Agreement might be more responsive to their particular trade needs, and have had their specific impact on that agreement. I particularly value their advice because they are individual entrepreneurs successfully involved in a wide variety of successful export ventures. We have supported their international trade initiatives such as the Export 89 trade Conference in Frankfurt, Germany in 1989 as well as in this year's event at the Frankfurt Messe in Germany in October, and in the upcoming fact-finding trip to Mexico on the North American Free Trade Agreement.

On specific issues, I encourage small businesses to contact my staff directly according to their needs. We have found that the trade issues of concern to U.S. businesses often arise not because of the size of the firm, but because of an unfair trade action that must be challenged or because a practice is not covered by the GATT and a remedy must be negotiated. I believe that this "open door policy" provides small business with good access to our negotiators, whether working on the Uruguay Round, the North American Free Trade Agreement, or on other trade negotiations, and to our industry specialists.

In addition, in order to provide special access for small business, I have assigned David Morrissy as the key contact person responsible for small business trade issues. I rely on him to maintain close liaison with the small and minority business advisory committee (ISAC 14). He also keeps in close contact with other agencies of the Administration that deal with small business interests, particularly the Small Business Administration, the Department of Commerce, and the Export Import Bank.

I believe we have been invaluable served by the advice we have received from small business, and they have been helped by us. If you believe there are areas we have not addressed adequately, we would welcome your identification of these so that we might remedy this situation.

Sincerely,

CARLA A. HILLS.●

#### TRIBUTE TO THE FORT COLLINS CHILDREN'S CLINIC

● Mr. WIRTH. Mr. President, I rise today to pay tribute to the Children's Clinic in Fort Collins, CO. The Fort Collins Children's Clinic was founded in 1989 by two highly dedicated individuals, Dr. Tom Wera and Dr. Charles Collopy. Since the clinic opened its doors 2 years ago, it has provided low-cost health care for an estimated 2,500 needy children from 1,500 families in Larimer County.

The Children's Clinic has filled a vital need in the community of Fort Collins by providing a variety of health services for children. In addition to offering basic medical care for children under the age of 18, the Children's Clinic offers well-baby care, teen nutritional care, an allergy clinic, a behavioral clinic, an onsite social worker,

and a program counselor. Moreover, the clinic's emphasis on education seeks to empower parents by allowing them to provide basic health care themselves, as well as work toward preventing illness.

The level of dedication exhibited by Dr. Wera and Dr. Collopy and the volunteers at the Children's Clinic is uplifting. I am also encouraged by the joint efforts of individuals, businesses, health care professionals, and Colorado State University students who have been generous in their donations of time, funds, and services to the Children's Clinic—helping to make it the success it is today.

Mr. President, I would like to close by thanking the Fort Collins Children's Clinic, and all those who have made it possible, for providing an invaluable service to the children of Larimer County. I believe the Children's Clinic sets an excellent example for health care centers throughout the State of Colorado and our country, and I commend them for their commitment to the well-being of Colorado's families and future.●

#### TRIBUTE TO KEITH HALL

● Mr. WARNER. Mr. President, I rise today to pay tribute and offer my congratulations to Keith Hall, who recently left his position as deputy majority staff director of the Senate Select Committee on Intelligence to become Deputy Assistant Secretary of Defense for Intelligence. In the 5 years I have worked on the Intelligence Committee, I have been privileged to witness and benefit from the fine leadership and sound judgment Mr. Hall brought to his work. I am confident that he will bring these qualities to bear in his new duties at the Department of Defense.

Mr. Hall is a career intelligence professional, with more than 21 years of service. He began his career in the executive branch, serving for 9 years in Army Intelligence, then 4 years in the Office of Management and Budget. In 1983, Senator Barry Goldwater hired Mr. Hall to the staff of the Senate Intelligence Committee. Since that time, he has served under three committee chairmen from both political parties.

As a member of both the Select Committee on Intelligence and the Senate Armed Services Committee, I have benefited from Mr. Hall's work twofold, as he has provided valuable counsel to members of the Armed Services Committee on matters where defense and intelligence intersect.

Mr. President, Keith Hall's contribution to the U.S. Senate and to this Nation in the areas of intelligence collection, analysis, covert operations, personnel policies, counterintelligence and security have been extremely significant. In large measure, his success in these many areas of intelligence is

attributable to his nonpartisan, thoughtful, and professional approach to his work.

In bidding farewell to Mr. Hall, the Senate, and especially members of the Intelligence Committee, know that a friend and devoted professional will no longer be a familiar sight in our hallways. We are glad to know, however, that his considerable talents will continue to serve the entire Nation as he takes up his post at the Department of Defense. I wish him the greatest success, and continued personal happiness and professional success.●

#### FREEWAY DEDICATION HONORS MARYLAND VIETNAM VETERANS

● Mr. SARBANES. Mr. President, on August 2, 1991, the State of Maryland dedicated Interstate 68, the National Freeway, by unveiling a monument at Sideling Hill to the Vietnam veterans of our State. Although I very much wanted to join Gov. William Donald Schaefer in dedicating this magnificent new highway to our Vietnam veterans, the Senate was still in session and I was unable to attend.

I want to pay tribute to all those Maryland men and women who served this country with courage and honor in Vietnam. The memorial on Interstate 68 states simply, "Interstate 68 is dedicated in recognition and memory of those Marylanders who served in the Vietnam War—1959–1975." The inspiration for this memorial came from Vietnam Veterans of America, Chapter 172 of Cumberland, MD, and the members of that chapter are to be congratulated for their unstinting efforts to bring this memorial through the planning stage to reality.

I have enormous respect for our Vietnam veterans, and this memorial is a tribute from the people of the State of Maryland to these men and women. It is long overdue, and I want to express my deep gratitude to those who made it possible. Thousands of Marylanders and Americans will see this memorial each day as they travel this beautiful new highway and will be reminded during their journey and for all time of the service, sacrifice, and dedication of Maryland's Vietnam veterans.●

#### MINORITY BUSINESS MONTH

● Mr. RIEGLE. Mr. President, the Michigan Department of Commerce has selected October as Minority Business Month in Michigan. It is a time when we renew our effort to make sure that development of businesses owned and operated by minority citizens is encouraged.

This year I want to congratulate the recipients of the minority entrepreneur awards and to pay tribute to their hard work and effort.

One of our greatest strengths as a nation is our diversity; no other nation in

the world has such a rich marketplace of ideas and perspectives as the United States. Minorities certainly play a vital role in our economy and our effort to compete in the world economy. This role can be enlarged if adequate capital and support is provided.

The playing field on which minority businesses compete is tough. About half of all enterprises fail within 5 years. A recent Supreme Court decision in the City of Richmond versus Crosin has made it more difficult for minority businesses to obtain government contracts. In addition, Federal support for programs that assist minority business has declined. Yet, despite these forces, many minority-owned businesses are succeeding.

Over the past decade, minority-owned business has grown as a percentage of the economy, creating much-needed jobs in communities all over the country. There are over 13,000 minority-owned enterprises in my State of Michigan, generating over \$700 million of revenue a year. Most of these enterprises are small family-owned businesses, led by hard working and innovative entrepreneurs. These firms have enormous potential for growth. In fact, from 1976 to 1986, small business contributed to more than 80 percent of all jobs created in Michigan. In a time of limited job opportunity for minorities, particularly in inner cities, it is particularly critical that we do all we can to promote the growth of minority-owned businesses.

The past decade has seen growth in the number of minorities who are obtaining business degrees and rising in major corporations. Much more needs to be done so that individuals from minority backgrounds can break through the glass ceiling that has prevented many talented individuals from taking leadership positions in major corporations.

A survey among black entrepreneurs, as an example, indicated that over 70 percent cited inadequate funding as the No. 1 problem confronting minority-owned business. Too often in our society, blacks, Hispanics, and other minorities do not have sufficient access to capital that is needed to build a business. For this reason, the Government must play a stronger role in promoting minority economic development.

The Federal Government assists minority business through the Minority Business Development Agency and through a number of other programs designed to enhance the ability of minority businesses to succeed. However, considerable funding cuts at all levels of government have greatly curtailed those programs designed to assist minority business development.

I strongly believe that we need to fully support these important programs and I will fight for adequate funding for them.

Minority Business Month gives us the opportunity to call attention to the need to promote and support the development of minority-owned businesses. Removing the roadblocks in the way of minority businesses will bring about a stronger American economy.

I urge my colleagues in the Senate to help in advancing minority-owned business so we can build a prosperous future for all Americans.●

#### CEDAR STREET CHILDREN'S CENTER

● Mr. RIEGLE. Mr. President, I would like to pay tribute to the Cedar Street Children's Center and to the Child Welfare Society of Flint, Inc., for their 75 years of care to children. According to the minutes of the first meeting of the society, it was formed in 1915 after a few people interested in starting a Child Welfare Society met at the home of Dr. and Mrs. M.W. Clift. The 10 original executive directors included Mrs. R.S. Bishop, Mrs. J.D. Dort, Mrs. Matthew Davison, Mrs. A.E. Stevers, Mrs. C.B. Burr, Mrs. Neil Burston, Mrs. George Gainey, and Mrs. O.W. McKenna, all of whom were pioneers in my hometown of Flint, MI.

From that beginning, when the fee to join was a dollar, the membership grew to 600 by 1918. The early members set up committees dealing with sewing, shoes, clothes, summer camp, beds, and bedding to meet the needs of children at that time. The Child Welfare Society bought and operated a temporary home for children from 1930 to 1966. The home was on 5 acres of land on Cedar Street.

Today, that home is known as Cedar Street Children's Center and is one of the largest licensed child care centers in Michigan, with space for 120 children. The center gives special priority to the children of single parents. Cedar Street also offers admission to children of working parents, parents attending school, and to the special referral child. Cedar Street has continued to address the original purposes of The Child Welfare Society and at the same time, assists the needs of today's families.

The current society president Mrs. Karen Piper, its board of directors, executive director Ms. Barbara Read, who took over the reins from her mother, Kathryn Blewett, all of the staff, and the volunteers, continue to provide for and nurture the area's children. They are infused with the spirit of those original members who were a "few people" but who "concerned themselves with the betterment of social conditions as well as any specific activity that may aid the fundamental principle of child welfare." I join the people of Flint in thanking the members of the society for all their good work and wishing them a happy anniversary.●

#### MORNING BUSINESS

##### CROATIAN INDEPENDENCE AND CONFLICT IN YUGOSLAVIA

Mr. SPECTER. Mr. President, I feel compelled to express my great concern regarding the current situation in Yugoslavia. On June 25 of this year the Republics of Slovenia and Croatia declared independence with a vibrant democratic spirit similar to that recently displayed in the Baltic States. Unfortunately, these declarations were greeted with a response that was more reminiscent of days gone by—the brutal Soviet repressions of Hungary in 1956 and Czechoslovakia in 1968.

Croatia has lost almost one-third of its territory to the Yugoslav Federal Army. The only surprise is that the Croats have not lost more land and that they continue to hold out in cities such as Vinkovci. The federal army has over 1,500 tanks and 400 warplanes while Croatian forces, until the recent surrenders of several army bases, have fought back with little more than heavy machineguns.

When we hear of snipers in the streets of Zagreb during the middle of the day, when we see guerrillas within Croatia backed by the federal army, and when we learn of the attempt by Slobodan Milosevic to carve off portions of Croatia to create "Greater Serbia," we confront the possibility of the creation of a second Lebanon in Eastern Europe. We do not need another country constantly and endlessly torn by strife.

I cannot and do not believe that the peoples of Yugoslavia wish to see this happen in their country. Although the Milosevic regime and the federal army bear primary responsibility for the bloodshed in Yugoslavia, I do not believe that the Serbian people truly support the actions taken by their leaders. Many Serbians have shown their opposition to further violence by deserting or avoiding the draft. Serbians are not any more interested than the other peoples of Yugoslavia in seeing themselves and their children subjected to the horrors of armed ethnic conflict.

Nearly 500 people have died in the armed conflict between the Republic of Croatia and the Yugoslav Federal Army. On September 25, 1991, I attended a rally on the west lawn of the Capitol where hundreds of Pennsylvanians and other Americans with friends and relatives in Croatia demonstrated their passion for peace, self-determination, and an end to death and destruction in Yugoslavia. I share their deep anguish and anxiety over the uncertain fate of Croatia and the peoples of Yugoslavia.

It is time for the United States and the international community to fully commit themselves to the peaceful resolution of this conflict. President Bush has called for a "new world order." If

there are any principles which undergird this order, they are the right of self-determination and abolition of violence as a means of settling conflicts. Croatia has demonstrated its willingness to, in the words of John F. Kennedy, "pay any price, bear any burden, meet any hardship \* \* \* to assure the survival and the success of liberty." The time has come for the United States and the other nations of the world to step forward and assist them in this endeavor. On September 25, 1991, the U.N. Security Council voted to impose an arms embargo on Yugoslavia. This is an important first step, but only a first step in a long process.

Many important issues must be resolved. The burden is upon the regime of Slobodan Milosevic, the federal army, and the guerrillas in Croatia to relinquish the territory they have seized and cease the inflation of ethnic tensions. Any and all concerns must be dealt with through peaceful negotiation. As the European Community ministers declared on August 27,

It is a deeply misguided policy on the part of the Serbian irregulars to try to solve the problems they expect to encounter in a new constitutional order through military means. \* \* \* Territorial conquests \* \* \* will never produce the kind of legitimate protection sought by all in the new Yugoslavia. Such protection can be brought about only by negotiations based on the principle of the fullest protection of the rights of all, wherever they may live in Yugoslavia.

I urge the President to take an active role in supporting the work of the United Nations and the European Community. I hope and expect that the United Nations will continue to act in support of the European Community and peace in Yugoslavia. Finally, I look forward to renewed efforts by the European Community to bring all parties together to work out a mutually acceptable agreement which respects the right of self-determination and protects the legitimate rights of all Yugoslavians.

Mr. President, the fate of Yugoslavia may foretell the fate of the rest of Eastern Europe for better or for worse. I most sincerely hope that we will be able to avert tragedy and years later point to Yugoslavia as a model in the development of democracy and self-determination.

##### BELLAGIO DECLARATION OF PRINCIPLES

Mr. KERRY. Mr. President, last month an important meeting on the environment took place at Bellagio, Italy. It was cochaired by an impressive Massachusetts professor, Charles M. Haar, Brandeis professor of law at Harvard University, on behalf of the American Academy of Arts and Sciences, and by Olag Kolbasov, director of the Soviet Institute of Science and Law. As a result, much progress was made for effective future collabora-

ration in dealing with the common problems of implementing environmental policies.

Because the environment of our world recognizes no political boundaries, the world community needs to join together to solve the Earth's environmental woes. Catastrophes such as Chernobyl can have repercussions across the entire planet. Pollution from industry in one nation often causes ill-effects, such as acid rain, in another. A river dammed for electricity often will have devastating effects for a neighboring downriver nation. Working in unison, the nations of the world will be much more capable of overcoming today's diverse environmental problems.

An immediate positive outcome of the discussion was the Bellagio Declaration of Principles. I ask unanimous consent to place it in the RECORD:

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

THE BALLAGIO DECLARATION ON THE ENVIRONMENT

As environmental policymakers, lawyers, economists, educators, and elected and appointed officials from the U.S. and the U.S.S.R., meeting in Bellagio, Italy from August 5 to August 9, 1991;

Reaffirming the fundamental right of people to live in a safe and healthful environment;

Recognizing that enduring prosperity requires the protection of health and safety, as well as the integrity of natural systems;

Convinced that present threats to the environment require concerted actions of different governments throughout the world;

Persuaded that informal meetings of environmental experts can contribute to the attainment of the goals of the 1992 United Nations Conference on Environment and Development,

We reached a consensus on the following principles:

1. Governments should identify and implement ways in which economic development goals can be achieved consistent with a safe and healthful environment and with sound use of natural resources.

2. Environmental protection deserves distinct representation at the highest ministerial or cabinet level of government.

3. Each level of government should perform those tasks to which it is best suited for the protection of the environment, and should formulate and implement appropriate programs to accomplish those tasks.

4. Environmental policy should be integrated with land use and natural resource planning, regulation, and implementation, as well as with the policies of other government agencies whose actions affect the environment.

5. A free market, together with government measures that address its failures through prevention, correction, and consideration of environmental problems, is well suited to provide the resources for achieving a safe and healthful environment.

6. Environmental goals should be achieved by an optimal combination of administrative controls and market mechanisms to comply with environmental standards in the most cost-effective manner and to encourage the development of environmentally superior technologies.

7. Public and private decisionmakers should recognize environmental management as among the highest priorities and establish policies for conducting operations in an environmentally sound manner.

8. Decisions over where to locate environmentally undesirable land uses should consider their impact on surrounding areas and strive for an equitable distribution of such uses throughout the region.

9. Government should require periodic public reporting on the nature and quantities of pollutants released into the environment.

10. Government should collect and maintain full and accurate environmental information necessary for the formulation and implementation of environmental policy, and citizens and public officials should have appropriate access to such information.

11. Citizens should have the right to participate in the government's environmental decisionmaking process.

12. Individual citizens and groups affected by an environmental decision and responsible government officials should be able to petition a court to interpret and enforce the environmental laws and to overturn actions taken in violation of such laws.

13. Public and private institutions should undertake educational programs designed to increase public understanding of environmental problems and to encourage public responsibility for their solution.

14. International standards should be developed and adopted for measuring and monitoring environmental quality, in order to facilitate coordination of national environmental activities.

15. To protect the environment and promote settlement of international disputes, countries should agree to resort to arbitration and, if appropriate, to an international environmental tribunal.

To advance the foregoing principles, we have agreed to meet from time to time and review progress in achieving their implementation.

BELLAGIO, ITALY, August 8, 1991.

IMMIGRATION ACT OF 1990

Mr. KENNEDY. Mr. President, today marks an important day in American immigration law when the full scope of the Immigration Act of 1990 comes into force—the most sweeping reform of our Nation's immigration laws in 66 years.

Although some provisions of the act are already in force, the major changes take effect beginning today. This legislation represents the culmination of a decade-long effort to achieve immigration reform, and I commend all those in the Senate and House of Representatives whose efforts were essential for this bipartisan achievement, particularly my colleagues Senator SIMPSON and Senator SIMON on the Senate Immigration Subcommittee, and former Congressman Bruce Morrison, who was chairman of the House Immigration Subcommittee.

Our goal was to reform the current immigration system so that it would more faithfully serve the national interest, and be more flexible and open to immigrants from nations which are now shortchanged by current law.

The provisions of the new law will accomplish these objectives, while also

maintaining the priority we have traditionally given to those with family connections in the United States—and without departing from any of the basic goals of fairness established in the 1965 reforms.

By redressing the imbalances which have inadvertently developed in recent years, we will again open our doors to those who no longer have immediate family ties to the United States.

By placing more emphasis on the particular skills and qualities that independent immigrants possess, we will bring our present laws more in line with the Nation's economic needs.

The visa numbers currently reserved for family members of recent immigrants, as established in the 1965 act, will not be reduced. This law will add visas. In fact, it represents the first major expansion of our immigration system in a quarter century. It is a careful and balanced expansion that protects the national interest while promoting the goal of family reunification.

Under the terms of this legislation, during the first 3 years, beginning in 1992, legal immigration will increase from current levels of approximately 490,000 to 700,000. Beginning in 1995, a permanent level of 675,000 will be set—a 38-percent increase in legal immigration to the United States.

The admission of immediate relatives of U.S. citizens will remain unrestricted, despite the establishment of a worldwide ceiling. Although a new national level of immigration of 675,000 will be established for the first time, the spouses, minor children and parents of U.S. citizens will remain unrestricted. If their admission levels increase during the coming years, any squeeze under the cap will be shared equitably by other categories of immigrants. But if the projected growth of immediate relatives continues and the squeeze becomes too great in some future year, the cap will automatically be increased accordingly.

In addition, the law increases by nearly fourfold the number of skilled workers and so-called diversity immigrants. The admission of persons on the basis of their skills and talents will go from 54,000 each year to 195,000.

The current limitation of 216,000 on other family preferences will be increased permanently to 260,000—a 20-percent increase. This will double the visa numbers for second preference relatives—the spouses and minor children of permanent residents—thus reducing the backlogs in Mexico and other high demand countries, as well as the worldwide backlog for this category.

The law also establishes a family fairness policy to protect immediate family members of beneficiaries of the amnesty under the 1986 act. Those family members are here illegally, and they were protected only by administrative stay of deportation, with no

legal status, and with a cutoff date of 1986. The new law gives them a permanent legal status, with a cutoff for eligibility of May 5, 1988.

The legislation brings many other reforms to our immigration laws. Among the most important are the following provisions:

Transitional visas—40,000 a year for the next 3 years—will be made available to applicants from adversely affected countries, including Ireland, Italy, Poland, and 30 other nations. Beginning in 1995, this program will be expanded into a diversity program with 55,000 visas a year available to these nations and the much larger group of nations that do not currently use their full allotments of visas because of the restrictions of present law.

A new independent commission is established to require Congress to review immigration laws and policies every 3 years.

Controls on H-1 temporary professional visas are strengthened by tightening the definition of "professions of exceptional merit and ability" and by placing a cap of 65,000 visas annually on this category. The bill provides significant reforms in nonimmigrant visa procedures, and strengthens and simplifies the current labor certification process.

Ten thousand "job creation" visas are provided for investors who invest in enterprises, especially in depressed rural or urban areas, which create a minimum of 10 new jobs for Americans.

Visa numbers for Hong Kong are doubled to 20,000, and delayed visas are provided for Hong Kong residents working for the United States Government or United States businesses, so that they will be able to obtain visas if they wish to leave after Hong Kong returns to Chinese control.

A clear policy is established for granting temporary haven to foreign nationals unable to return safely to their native countries because of violence or upheaval.

The annual number of asylum applicants who can adjust their status to permanent residence is increased to 10,000, and the current backlog of applicants is removed.

Administrative naturalization procedures are created, to reduce naturalization backlogs, while preserving the right for court citizenship ceremonies.

Reforms are achieved in the areas of deportation and criminal aliens.

The exclusion categories are reformed and updated to end outdated ideological, medical and communicable disease provisions.

In sum, the far-reaching provisions of the new law preserve the immigration rights of those who have close family connections in this country, while opening up new opportunities at long last for immigration from countries which have contributed so much to America in the past, but which have

been shut out almost entirely in recent years.

From the earliest days of our history, America has been a beacon of hope and opportunity to people in other lands. All of us are proud of our immigrant heritage. We honor it most by doing all we can to preserve that heritage, to build upon it, and to strengthen it for the future. The new immigration act that takes effect today is an impressive step toward achieving these enduring goals, and all of us hope that it fulfills its great promise.

#### ON MILITARY COUP IN HAITI

Mr. KENNEDY. Mr. President, yesterday afternoon Haitian President Jean-Bertrand Aristide was overthrown in a bloody military coup by forces intent on subverting Haiti's new democracy. This outrageous assault is an affront not only to the people of Haiti, but to all friends of freedom throughout this hemisphere.

After nearly 30 years of violence under the dictatorship of the Duvalier family, Haitians recently established civilian rule. President Aristide's landslide victory last December was the country's first truly democratic election. The return of military dictatorship in Haiti would plunge the country back into the era of repression from which it has only just emerged.

I commend the Bush administration for calling on the Haitian military to respect the country's constitution and for supporting the resolution of the Organization of American States' condemning the coup and demanding the restoration of Haiti's democracy.

Today, mutinous soldiers and remnants of the outlawed Tonton Macoutes death squads still roam the streets of Port-au-Prince, attacking civilians and supporters of President Aristide. It is more important than ever for the United States to maintain its strong stand with the Haitian people in their struggle for a peaceful, democratic government.

Restoring President Aristide's constitutional authority is in the highest interest of all Haitians and all nations in this hemisphere. We should do all we can to see that he is returned to power and that democracy is restored as soon as possible for the long-suffering Haitian people.

#### IMPLEMENTATION OF THE CENTRAL AMERICAN DEVELOPMENT COORDINATING COMMISSION [CADCC]

Mr. SANFORD. Mr. President, for many years, the Central American nations have struggled to overcome their social, economic, and political impediments to development. United States foreign policy toward our neighbors in this hemisphere has experienced a

noteworthy shift in the past few years, away from the paternalistic approach of the last century to a partnership that considers sustainable development of each country and region to be in the best interest of the United States and the hemisphere as a whole.

The signing of the Esquipulas II accords marked a significant turning point in the peace process in Central America by setting a high goal of regional cooperation to confront the endemic problems of the region.

As my colleagues are aware, I was heavily involved with the Central American-led International Commission for Central American Recovery and Development [ICCARD]. This unique collaboration of governmental, business, labor, and academic leaders was unified by the hope for peace and stability in our hemisphere. Over a period of 2 years, the Commission identified long-term strategies for sustainable development in Central America. The final report, issued in February 1989, recommended short-, medium- and long-range strategies for development. After three hearings and numerous citations in relevant legislation, the recommendations of the ICCARD were encapsulated in this Congress' S. 100 which passed the full Senate on May 14, 1991.

Among the long-term approaches recommended by the Commission report is the creation of the Central American Development Coordinating Commission [CADCC].

The United States Senate endorsed the creation of this mechanism by authorizing and appropriating funds to support the establishment of the CADCC by the Central American presidents.

The 1990 foreign aid authorization bill, S. 1347, authorized not less than \$500,000 and not more than \$1 million for the CADCC. Subsequently, the 1990 foreign operations appropriations bill, Public Law 160-167, appropriated those funds as per the authorization. This legislation passed both houses of the Congress and was signed by the President on November 21, 1989.

Mr. President, I rise today to commend the five democratically elected Central American Presidents for their remarkable regional cooperation. Each has done his or her share to bring the CADCC into existence, thus meeting the requirement for the release of our appropriation.

On September 30, 1991, a \$497,850 grant agreement providing U.S. funding to support the establishment of the CADCC was signed by Irenemaree Castillo, Director of AID's Regional Office for Central American Programs [ROCAP] and Rafael Rodriguez Loucel, General Secretary, Secretariat of the Economic Integration of Central America [SIECA].

The CADCC, originally proposed in the ICCARD report, will serve as a

Central American coordination mechanism composed of representatives from government, labor, private enterprise, academia, and other nongovernmental sectors in Central America. The CADCC will provide a forum for dialog, consensus building, and coordination of Central American participation in regional and global initiatives. It will emphasize the essential linkage of participatory democracy and sustained economic development in Central America.

SIECA will manage the grant on behalf and under the guidance of the new CADCC. The first working meetings of the CADCC are scheduled for November 1991 in Managua, Nicaragua.

Mr. President, in the last few years, the administration has made assisting development in Central America more of a priority and has consistently supported recommendations of the International Commission and the creation of the CADCC. Much credit is due to the leadership of the Agency for International Development under the Assistant Administrator for the Latin America and Caribbean Bureau, Jim Michel. I am pleased to say that the hard work of the Commissioners, the cooperation of the five Central American Ambassadors, and the support of the administration have brought this plan to fruition.

#### IN SUPPORT OF THE NOMINATION OF CLARENCE THOMAS

Mr. DIXON. Mr. President, I rise today to announce my intention to vote for Clarence Thomas to be an Associate Justice of the Supreme Court.

I base my decision on a careful review of the Senate Judiciary Committee hearings, Judge Thomas' statements, and my own standards for Supreme Court nominees.

When new Chief Justice Rehnquist was elevated to the post of Chief Justice, I said on this floor that there were three tests that I would use to guide my consideration of a Supreme Court appointment: First, the nominee's intellectual capacity; second, his background and training; and third, integrity and reputation. I also stated that opposing the political or judicial philosophy of a President's nominee is not generally a basis for a vote against that nominee.

It is upon that previously enunciated criteria, and my conclusion that Judge Thomas sufficiently meets such criteria, that I have decided that he is qualified to serve as an Associate Justice of the Supreme Court.

Mr. President, I have voted for many of the President's nominees. I have voted in favor of the nominations of Chief Justice Rehnquist, Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, and David Souter. I firmly believe the President is entitled to

nominate individuals who share his basic philosophy.

Judge Thomas' philosophy has been a subject of great discussion. I believe just as Judge Thomas' thoughts on some positions have evolved to be well formed, further evolution on other issues is inevitable. Some Justices on the current Court appear to have fairly rigid philosophies or ideologies. Judge Thomas does not appear to fall into that category. That suggests he may well surprise some of his opponents.

The American Bar Association, upon review of his legal career and writings, has found Judge Thomas to be "qualified."

Judge Thomas' educational background is solid. He appears to have been a good student at outstanding schools.

Usually, a nominee has at least one long suit that stands out from the others. Clearly, Judge Thomas' long suit is his life story, which is compelling, moving, and endearing. The hard-scrabble beginnings in Pin Point, GA; his successful struggle out of poverty; the incidents of racism directed at his family and him—have constructed a most unique background for someone to be on the Supreme Court. The life experiences are not determinative, but they do serve as an important factor in the overall consideration of this nominee.

Judge Thomas has had the enormous benefit of learning from, and working with, one of the outstanding Members of this body, my distinguished colleague from Missouri, JACK DANFORTH. Senator DANFORTH's support and leadership on this nomination is a personal testimony to Judge Thomas' character.

Mr. President, I will vote "aye" for the nomination of Judge Thomas to be an Associate Justice of the U.S. Supreme Court.

#### TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,390th day that Terry Anderson has been held captive in Lebanon.

#### S. 1010—FLIGHT ATTENDANT DUTY TIME ACT

Mr. WARNER. Mr. President, I rise today giving my support to Senate bill S. 1010, the Flight Attendant Duty Time Act, introduced by my colleague Senator INOUE. In 1952, the Federal Aviation Administration [FAA] required commercial air carriers to have personnel on board to assist passengers in case of an emergency. Passengers depend on flight attendants to direct them in evacuating an aircraft after an emergency landing; to be the inflight fire department and onboard security officer; to handle disruptive passengers; and to assist with medical

emergencies such as heart attacks or unexpected births. The FAA and the carriers have largely insured that flight attendants are thoroughly trained to perform these duties, but the FAA has refused to insure that flight attendants are well rested enough to maintain alertness, judgment and the ability to perform physical emergency tasks.

In this Congress, my colleague Senator INOUE introduced the Flight Attendant Duty Time Act, S. 1010 to correct this unacceptable state of affairs. This legislation is a straightforward proposal which would establish maximum duty times and minimum rest periods for flight attendants. The maximum duty time on domestic flights would be 14 hours with 10 hours rest, and the maximum duty time for international flights would be 16 hours with 12 hours minimum rest.

This proposal follows nearly 2 decades of efforts to secure these changes through the regulatory process. Flight attendants began to pursue limits on the hours a carrier could require them to work 20 years ago, and received a promise from the FAA that it would issue duty time limitations by the end of 1978. The rule was never published and neither was the one the FAA promised to issue in August, 1980.

Some might say this is an issue that should be left to the negotiations between management and employees. Generally, I agree that most matters between employers and workers should be handled in the collective bargaining process. Safety, however, is not a topic that should be put on the bargaining table. The Federal Government has a responsibility to insure the health and safety of the flying public and flight attendants alike.

I urge my fellow Members of the Senate to join with me in cosponsoring this long overdue legislation needed to place flight attendants on par with all other safety-sensitive transportation employees.

#### RESOLUTION HELD AT THE DESK

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate resolution 186, a resolution on Haiti submitted earlier today by Senator GRAHAM, be held at the desk.

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

#### HOUSE JOINT RESOLUTION 305, DESIGNATING "COUNTRY MUSIC MONTH," AND SENATE JOINT RESOLUTION 131, DESIGNATING "NATIONAL DOWN SYNDROME MONTH"

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of the following: House Joint Resolution 305, designat-

ing "Country Music Month"; Senate Joint Resolution 131, designating "National Down Syndrome Month"; that the Senate then proceed to their immediate consideration; that the resolutions be deemed read a third time and passed; and that the motions to reconsider be laid upon the table; and that the preambles be agreed to; further that the consideration of these items appear individually in the RECORD and any statements appear at the appropriate place.

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

The joint resolution (H.J. Res. 305) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 131) was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 131), with its preamble, is as follows:

S.J. RES. 131

Whereas a more enlightened attitude has emerged during the past 15 years in the care and training of the developmentally disabled;

Whereas one disability which has undergone considerable reevaluation is Down syndrome;

Whereas approximately 4,000 babies are born with Down syndrome annually in the United States;

Whereas, until recently, Down syndrome was stigmatized as a mentally and physically retarding condition that required institutionalization and restricted its victims to lives of passivity;

Whereas remaining ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas, through the efforts of concerned physicians, teachers, and parent groups, such as the National Down Syndrome Congress and the National Down Syndrome Society, programs are being put into place to educate the parents of babies with Down syndrome, to develop special education classes for individuals with Down syndrome within mainstream school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the workforce, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas the cost of programs designed to help individuals with Down syndrome enter their rightful place in society as productive citizens is a small fraction of the cost of institutionalization;

Whereas advancements in genetic research are also offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many children with Down syndrome who attend regular schools, play on Little League teams, and enjoy basketball and golf demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That October 1991 is designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. LUGAR. Mr. President, for the past 8 years, I have supported efforts to designate October as "National Down Syndrome Month." This designation is extremely important to public awareness about Down syndrome, and I rise today to, again, introduce a joint resolution designating October 1991 as "National Down Syndrome Month."

Most people have heard of Down syndrome, but few realize that it occurs once in every 1,000 births. With Down syndrome, an extra chromosome No. 21 appears within the individual's genetic material, affecting physical and mental development.

Today we know that through programs which emphasize the involvement of teachers, doctors, parents and support groups many of the disorders associated with this genetic defect have the potential of being corrected. More importantly, these programs educate the public to the truth regarding children with Down syndrome enabling them to become productive citizens who are fully integrated into the community.

In addition, corporate leaders and the media are working to educate the general public regarding many of the myths associated with this genetic disorder—breaking down existing barriers along the way.

I urge my colleagues to join me in cosponsoring this important resolution.

"UP WITH PEOPLE DAY"

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 208, designating "Up With People Day," introduced earlier today by Senator DECONCINI and others.

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

The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 208) to designate October 15, 1991, as "Up With People Day."

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

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

Mr. DECONCINI. Mr. President, I am pleased to introduce today with Senator GORE and 51 of our colleagues a joint resolution requesting the President to designate October 15, 1991, as Up With People Day. This dynamic international educational and cultural program, which is based in Tucson, AZ,

is now culminating the celebration of its 25th anniversary year. In the past quarter-century, more than 13,000 young men and women from 63 nations have participated in Up With People. They have given musical performances for millions of people in 52 nations, have lived with 350,000 host families worldwide, and have participated in countless hours of community service activities in hospitals, nursing homes, prisons, and schools for the handicapped.

President and Mrs. George Bush are the honorary chairpersons of Up With People's Silver Celebration. Through the years, many world leaders have received Up With People casts and have praised their activities. Recently, Chancellor Helmut Kohl of the Federal Republic of Germany said:

The unification of Germany, along with the consolidation of Europe, embodies politically what Up With People has been practicing for 25 years in everyday life: moving together, openness towards one another, placing solidarity before division.

I urge each Member of this body to support this joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 208), with its preamble, is as follows:

S.J. RES. 208

Whereas Up With People has for 25 years, since its founding by J. Blanton Belk as a nonprofit educational and cultural program, worked to encourage understanding among people and nations;

Whereas Up With People is culminating the celebration of its 25th Anniversary Year and President and Mrs. George Bush are serving as Honorary Chairpersons of this Silver Celebration;

Whereas the President has praised Up With People members for helping "to build better understanding among nations, not only through their outstanding musical performances but also through public service and educational activities in their host communities";

Whereas 13,000 young men and women from throughout the world have participated in Up With People's unique experiential educational program, developing intercultural understanding, communication skills, and leadership abilities, as well as the motivation to provide a leadership of service in their communities, countries and the world;

Whereas more than 350,000 families have hosted Up With People students in their homes, helping to break down stereotypes between cultures and to develop a worldwide basis of understanding between people;

Whereas Up With People casts have performed their dynamic musical show for millions of people in 52 nations, including recent visits to the Soviet Union, Czechoslovakia, Poland, and Panama;

Whereas Up With People casts have been received and lauded by numerous heads of

state, such as Chancellor Helmut Kohl of the Federal Republic of Germany, who said "the unification of Germany, along with the consolidation of Europe, embodies politically what Up With People has been practicing for 25 years in everyday life: moving together, openness towards one another, placing solidarity before division," and Pope John Paul II, who commended Up With People for the "spirit of international friendship and cooperation which their efforts promote";

Whereas students in the Up With People program have dedicated themselves to countless thousands of hours of service activities in communities throughout the United States and in other nations, from nursing homes and hospitals to prisons and soup kitchens, showing compassion towards others and demonstrating the power of each individual to make a difference in his or her own community; and

Whereas the growth and outreach of Up With People has been made possible by the support of a distinguished international and volunteer Board of Directors, which includes J. Blanton Belk, Hermann K. Bleibtreu, James G. Boswell II, Eugene A. Cernan, Dan W. Cook III, Thomas H. Cruikshank, Wesley M. Dixon, Jr., Pat Berry Glassner, John J. Goossens, Michael W. Hard, Lindsey Hopkins, III, Jerry V. Jarrett, Henry Koffler, Samuel W. Lanham, Jr., Gery de Limelette, James E. MacLennan, Hans Magnus, Hubert T. Mandeville, Bob Marbut, F. James McDonald, John H. Parker II, Walter Payton, Dale M. Penny, Mrs. Seichi Shirane, Hugh Soest, Barbara Taylor-Lawson, Shoichiro Toyoda, Pieter van Vollenhoven, Peter Voevodsky, Don Weiss, Bruce W. Wiley, Steven W. Woods, and Benjamin N. Woodson: Now, therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That October 15, 1991, is designated as "Up With People Day", and the President is authorized and requested to issue a proclamation calling on the people of

the United States to observe the day with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to

#### ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, October 2; 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, with the time equally divided and controlled between Senators INOUE and KASTEN.

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

#### RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. 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 9 a.m., Wednesday, October 2.

There being no objection, the Senate, at 9 p.m., recessed until Wednesday, October 2, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate October 1, 1991:

##### THE JUDICIARY

EDITH BROWN CLEMENT, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA VICE CHARLES SCHWARTZ, JR., RETIRED.  
SUE L. ROBINSON, OF DELAWARE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE VICE JANE R. ROTH, ELEVATED.  
SAM SPARKS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

##### U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

ANDREW S. NATSIOS, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE PHILIP LAWRENCE CHRISTENSON, RESIGNED.

##### CORPORATION FOR PUBLIC BROADCASTING

LESLIE B. ALEXANDER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING MARCH 26, 1996. (REAPPOINTMENT)

#### CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1991:

##### DEPARTMENT OF STATE

THOMAS MICHAEL TOLLIVER NILES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE.  
THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUEST TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WILLIAM CLARK, JR., AND ENDING THOMAS A. RODGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 1991.

**HOUSE OF REPRESENTATIVES—Tuesday, October 1, 1991**

The House met at 12 noon.

Rev. Dr. Wallace Charles Smith, senior minister, Shiloh Baptist Church, Washington, DC, offered the following prayer:

Our gracious God, we offer up thanksgiving for this moment in our Nation's history filled with incredible challenges and extraordinary opportunities. We are thankful that we live in a global community which offers us the possibility to partner with nations of the world to ease hunger, and further economic development.

We are grateful for those global neighbors who seek freedom and the right to democratic government. Please bless their efforts. In our own land we ask Your blessings on the poor, the jobless, the disheartened, but we also pray for those who may live in mansions but whose hearts due to loneliness and alienation have become like empty cells.

And finally Lord, we pray for the President and the Congress; help them to lead this Nation and the world to a just and lasting peace. 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.

Mrs. KENNELLY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The 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.

Mrs. KENNELLY. 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 282, nays 108, not voting 42, as follows:

[Roll No. 283]

YEAS—282

Abercrombie	Annunzio	Barnard
Ackerman	Anthony	Bateman
Alexander	Applegate	Beilenson
Anderson	Archer	Bennett
Andrews (ME)	Aspin	Berman
Andrews (NJ)	Atkins	Bevill
Andrews (TX)	Bacchus	Bilbray

Boniior	Hoagland	Pallone
Borski	Hochbrueckner	Panetta
Boucher	Horn	Parker
Boxer	Horton	Patterson
Brewster	Houghton	Pease
Brooks	Hoyer	Pelosi
Broomfield	Hubbard	Penny
Browder	Huckaby	Perkins
Brown	Hughes	Peterson (FL)
Bruce	Hutto	Peterson (MN)
Bryant	Jenkins	Petri
Bustamante	Johnson (CT)	Pickett
Byron	Johnson (SD)	Pickle
Callahan	Johnson (TX)	Porter
Campbell (CO)	Johnston	Poshard
Cardin	Jones (GA)	Price
Carper	Jones (NC)	Quillen
Carr	Jontz	Rahall
Chapman	Kanjorski	Ravenel
Clay	Kasich	Ray
Clement	Kennedy	Reed
Clinger	Kennelly	Richardson
Coleman (TX)	Kildee	Rinaldo
Collins (IL)	Kleczka	Roe
Collins (MI)	Kolter	Roemer
Combest	Kopetski	Rose
Condit	Kostmayer	Rostenkowski
Conyers	LaFalce	Roth
Cooper	Lancaster	Rowland
Costello	Lantos	Roybal
Cox (IL)	LaRocco	Russo
Coyne	Laughlin	Sabo
Cramer	Lehman (CA)	Sangmeister
Darden	Lent	Sarpalius
Davis	Levin (MI)	Sawyer
de la Garza	Levine (CA)	Scheuer
DeFazio	Lewis (GA)	Schiff
DeLauro	Lipinski	Schulze
Dicks	Livingston	Schumer
Dingell	Lloyd	Serrano
Dixon	Long	Sharp
Donnelly	Lowey (NY)	Shaw
Dorgan (ND)	Luken	Shuster
Downey	Manton	Sisisky
Dreier	Markey	Skaggs
Durbin	Martin	Skeen
Dwyer	Martinez	Skelton
Early	Matsui	Slattery
Edwards (CA)	Mavroules	Slaughter (NY)
Edwards (TX)	Mazzoli	Smith (FL)
Emerson	McCollum	Smith (IA)
Engel	McCurdy	Smith (NJ)
Erdreich	McDermott	Smith (NY)
Espy	McEwen	Snowe
Evans	McGrath	Solarz
Fascell	McHugh	Spence
Fazio	McMillen (MD)	Spratt
Feighan	McNulty	Staggers
Fish	Mfume	Stallings
Flake	Miller (CA)	Stark
Foglietta	Mineta	Stokes
Frank (MA)	Mink	Studds
Frost	Moakley	Swett
Gaydos	Mollohan	Swift
Gejdenson	Montgomery	Synar
Geren	Moody	Tallon
Gibbons	Moran	Tanner
Gillmor	Morrison	Tauzin
Gilman	Mrazek	Taylor (MS)
Glickman	Murtha	Thomas (GA)
Gonzalez	Nagle	Torres
Gordon	Natcher	Towns
Gradison	Neal (MA)	Traficant
Green	Neal (NC)	Traxler
Gunderson	Nichols	Unsoeld
Hall (OH)	Nowak	Valentine
Hall (TX)	Oakar	Vander Jagt
Hamilton	Oberstar	Vento
Hammerschmidt	Obey	Visclosky
Harris	Oliver	Volkmer
Hatcher	Ortiz	Walsh
Hayes (IL)	Orton	Washington
Hayes (LA)	Owens (UT)	Waxman
Hefner	Oxley	Wheat
Hertel	Packard	Whitten
		Williams

Wilson	Wolpe	Yates
Wise	Wyden	Yatron
NAYS—108		
Allard	Gingrich	Murphy
Army	Goodling	Nussle
Baker	Goss	Paxon
Ballenger	Grandy	Pursell
Barrett	Hansen	Ramstad
Barton	Hastert	Regula
Bentley	Hefley	Rhodes
Bereuter	Henry	Riggs
Bilirakis	Herger	Roberts
Bliley	Hobson	Rogers
Boehert	Hunter	Rohrabacher
Boehner	Hyde	Ros-Lehtinen
Bunning	Inhofe	Roukema
Camp	Ireland	Santorum
Campbell (CA)	James	Saxton
Chandler	Kolbe	Schaefer
Coble	Kyl	Schroeder
Coleman (MO)	Lagomarsino	Sensenbrenner
Coughlin	Leach	Shays
Cox (CA)	Lewis (CA)	Sikorski
Cunningham	Lewis (FL)	Smith (TX)
Dannemeyer	Lightfoot	Solomon
DeLay	Lowery (CA)	Stearns
Dickinson	Machtley	Stump
Doolittle	Marlenee	Sundquist
Dornan (CA)	McCandless	Taylor (NC)
Duncan	McCrary	Thomas (CA)
Edwards (OK)	McDade	Thomas (WY)
Ewing	McMillan (NC)	Upton
Fawell	Meyers	Vucanovich
Fields	Michel	Walker
Franks (CT)	Miller (OH)	Weldon
Gallegly	Miller (WA)	Wolf
Gallo	Molinar	Young (AK)
Gekas	Moorhead	Young (FL)
Gilchrest	Morella	Zimmer

**NOT VOTING—42**

AuCoin	Holloway	Ridge
Burton	Hopkins	Ritter
Crane	Jacobs	Sanders
Dellums	Jefferson	Savage
Derrick	Kaptur	Slaughter (VA)
Dooley	Klug	Smith (OR)
Dymally	Lehman (FL)	Stenholm
Eckart	McCloskey	Thornton
English	Myers	Torricelli
Ford (MI)	Olin	Waters
Ford (TN)	Owens (NY)	Weber
Gephardt	Payne (NJ)	Weiss
Guarini	Payne (VA)	Wells
Hancock	Rangel	Zeliff

□ 1225

Mr. SKAGGS and Mr. BRYANT changed their 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. MONTGOMERY). Will the gentleman from New Hampshire [Mr. SWETT] please lead the House in the Pledge of Allegiance.

Mr. SWETT 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.

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

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

**OFFICIAL MAJORITY OBJECTORS  
FOR CONSENT CALENDAR AND  
PRIVATE CALENDAR**

Mr. BONIOR. Mr. Speaker, I am pleased to announce that the official objectors for the majority side for the 102d Congress are as follows:

For the Consent Calendar: Mr. GORDON of Tennessee; Mr. LEWIS of Georgia; and Mrs. PATTERSON of South Carolina.

For the Private Calendar: Mr. BOUCHER of Virginia; Mr. MFUME of Maryland; and Mr. HUBBARD of Kentucky.

**OFFICIAL MINORITY OBJECTORS  
FOR CONSENT CALENDAR AND  
PRIVATE CALENDAR**

Mr. MICHEL. Mr. Speaker, I take this time to announce the official objectors from the Republican side for the Consent and Private Calendar.

The Republican official objectors for the 102d Congress for the Consent Calendar will be the gentleman from Pennsylvania [Mr. WALKER], the gentleman from California [Mr. MCCANDLESS], and the gentleman from Illinois [Mr. HASTERT].

For the Private Calendar, the Republican official objectors for the 102d Congress will be the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Pennsylvania [Mr. GEKAS], and the gentleman from North Carolina [Mr. COBLE].

**THE HIGHWAY BILL**

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

Mr. MICHEL. Mr. Speaker, the 1991 fiscal year has ended and the highway bill has not been reauthorized.

While the Democrats complain the President does not have a domestic agenda, they put a stop sign to a highway bill that will create jobs and improve our infrastructure. And then they give the green light for another unemployment bill.

The President wanted the highway bill passed by June 14. It is now October 1. The country is still waiting for the Congress to act.

I do not want to be a back seat driver, but the Democrat-controlled Congress is steering the country down the wrong road. The President does have a domestic agenda. The Democrats just refuse to turn on the ignition.

The Congress spends too much time spinning its wheels while tooting its horn about dubious accomplishments.

Mr. Speaker, put the pedal to the metal and speedily bring forth the job-creating surface transportation bill.

□ 1230

**WELCOME TO REV. DR. WALLACE  
CHARLES SMITH**

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

Ms. NORTON. Mr. Speaker, it is no wonder that Shiloh Baptist Church, one of Washington's oldest and most distinguished churches, would attract a new minister who has had an especially outstanding career of service.

Mr. Speaker, I am pleased to welcome to Washington and to this House the Reverend Dr. Wallace Charles Smith, only the sixth pastor in the 128 years Shiloh has served this city.

Reverend Smith has been a full-time professor as well as a minister, and it should be noted, has reached an even wider audience as a winner of four Emmy awards for his weekly television commentaries. Reverend Smith has been called to a historic church, revered in this city for its long tradition of spiritual and civic service. He is a leader with the outstanding qualities to carry on the Shiloh tradition.

**PRIVATE CALENDAR**

The SPEAKER pro tempore (Mr. MONTGOMERY). This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

**CRAIG A. KLEIN**

The Clerk called the bill (H.R. 238) for the relief of Craig A. Klein.

There being no objection, the Clerk read the bill, as follows:

H.R. 238

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

**SECTION 1. SATISFACTION OF CLAIM AGAINST  
THE UNITED STATES.**

(a) IN GENERAL.—The Secretary of the Treasury shall pay, out of money in the Treasury not otherwise appropriated, to Craig A. Klein of Jacksonville, Florida, the sum of \$25,000 for damages incurred as a result of the search and seizure of his sailboat, "Pegotty", by the United States Customs Service in April 1989.

(b) CONDITION OF PAYMENT.—The payment of this sum shall be in full satisfaction of all claims of Craig A. Klein against the United States in connection with the search and seizure described in subsection (a).

**SEC. 2. LIMITATION ON FEES.**

(a) IN GENERAL.—No more than 10 percent of the sum appropriated by section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the claim described in such section.

(b) ENFORCEMENT.—Any person violating the provisions of subsection (a) shall be fined not more than \$1,000.

With the following committee amendment:

On page 2, line 1, strike "\$25,000" and insert "\$8,947."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**BRUCE C. VEIT**

The Clerk called the bill (H.R. 454) for the relief of Bruce C. Veit.

There being no objection, the Clerk read the bill, as follows:

H.R. 454

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

**SECTION 1. ENTITLEMENT TO REIMBURSEMENT  
FOR TRAVEL EXPENSES.**

Bruce C. Veit of El Paso, Texas, an employee of the Department of the Army, shall be reimbursed for the costs incurred by him as a result of his relocation from Memphis, Tennessee, to El Paso, Texas, during October and November 1984, as provided by his official travel authorization issued on October 23, 1984.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**NORMAN R. RICKS**

The Clerk called the bill (H.R. 478) for the relief of Norman R. Ricks.

There being no objection, the Clerk read the bill, as follows:

H.R. 478

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

**SECTION 1. REIMBURSEMENT FOR REAL ESTATE  
EXPENSES.**

The relocation of Norman R. Ricks by the National Oceanic and Atmospheric Administration in June 1989 shall be considered to be a transfer from 1 official station to another for which reimbursement is permitted under section 5724a(a)(4) of title 5, United States Code.

**SEC. 2. LIMITATION ON AGENTS AND ATTORNEYS  
FEES.**

No amount exceeding 10 percent of a payment made pursuant to section 1 may be paid to or received by any agent or attorney in consideration for services rendered in connection with the payment. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to a fine in the amount provided under title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**EDGARDO ROMAN AND OTHERS**

The Clerk called the bill (H.R. 590) for the relief of Edgardo, Ismael, Juan Carlos, and Edilliam Cotto Román.

There being no objection, the Clerk read the bill, as follows:

H.R. 590

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Edgardo, Ismael, Juan Carlos, and Edilliam Cotto Román, the

children of Edgardo Cotto Miranda, a member of the Puerto Rico Army National Guard who became a tetraplegic as a consequence of an auto accident in 1987 in Puerto Rico, shall for the purposes of section 6(c) of the Act of September 30, 1950 (20 U.S.C. 241), be considered to be children residing with a parent employed by the United States and thus be eligible to receive free public education arranged by the Secretary of Education under such section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**JUAN LUIS RAMIREZ AND OTHERS**

The Clerk called the bill (H.R. 655) for the relief of Juan Luis, Braulio Nestor, and Miosotis Ramirez.

There being no objection, the Clerk read the bill, as follows:

H.R. 655

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Juan Luis, Braulio Nestor, and Miosotis Ramirez, children of Elizabeth Ramirez, a member of the United States Army who died of cancer in 1990, shall for the purposes of section 6(c) of the Act of September 30, 1950 (20 U.S.C. 241), be considered to be children residing with a parent employed by the United States and thus be eligible to receive free public education arranged by the Secretary of Education under such section.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**CHARLOTTE S. NEAL**

The Clerk called the bill (H.R. 1279) for the relief of Charlotte S. Neal.

There being no objection, the Clerk read the bill, as follows:

H.R. 1279

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

**SECTION 1. ELECTION TO PROVIDE ANNUITY.**

For purposes of determining the eligibility of Charlotte S. Neal, of Lynchburg, Virginia, former spouse of the late Lieutenant Commander Michael D. Christian, United States Navy retired, to an annuity under the Survivor Benefit Plan, Lieutenant Commander Christian shall be deemed to have made an election under section 1448(b)(3) of title 10, United States Code, to provide an annuity to Charlotte S. Neal in accordance with the separation agreement incorporated into their divorce decree of August 19, 1983. Such election shall be deemed to have been made as of September 24, 1983, notwithstanding the death of Lieutenant Commander Christian on September 4, 1983.

**SEC. 2. LUMP SUM PAYMENT.**

The Secretary of Navy shall pay in a lump sum to Charlotte S. Neal the aggregate amount to which she is entitled by reason of section 1 for the period beginning on October 1, 1983, and ending on the last day of the month in which this Act is enacted.

**SEC. 3. DEFINITION.**

For purposes of this Act, the term "Survivor Benefit Plan" means the program pro-

vided under subchapter II of chapter 73 of title 10, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**AUTHORIZING PRINTING OF TRANSCRIPT OF COMMITTEE ON DISTRICT OF COLUMBIA INCIDENT TO PRESENTATION OF PORTRAIT OF HON. RONALD V. DELLUMS**

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 216) authorizing the printing of the transcript of the Committee on the District of Columbia incident to presentation of a portrait of the Honorable RONALD V. DELLUMS, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

Mr. WALSH. Mr. Speaker, reserving the right to object, I would ask the gentleman from Illinois to please explain the resolution.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Further reserving the right to object, I am happy to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, this resolution is sponsored by the Honorable PETE STARK. The resolution provides for the printing of the transcript of the Committee on the District of Columbia's portrait presentation ceremony of the Honorable RONALD V. DELLUMS. Mr. DELLUMS has been a distinguished Member of Congress since 1970 and has served as the outstanding chairman of the Committee on the District of Columbia since 1979. The portrait of Chairman DELLUMS was presented by the members of the District of Columbia Committee to the House during ceremonies on February 28, 1991.

Mr. WALSH. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 216

*Resolved, That the transcript of proceedings of the Committee on the District of Columbia on February 28, 1991, incident to presentation of a portrait of the Honorable Ronald V. Dellums to the committee, shall be printed as a House Document with illustrations and suitable binding.*

SEC. 2. In addition to the usual number, there shall be printed, for the use of the Committee on the District of Columbia, 60 casebound copies of said document, the allowable balance in paperback.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ANNUNZIO

Mr. ANNUNZIO. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ANNUNZIO: Strike out all after the resolving clause and insert the following: That the transcript of the proceedings of the Committee on the District of Columbia on February 28, 1991, incident to the presentation of a portrait of the Honorable Ronald V. Dellums to the committee, shall be printed as a House document, with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed, for the use of the Committee on the District of Columbia, such number of copies of the document as does not exceed a cost of \$1,200, of which 60 copies shall be casebound.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. ANNUNZIO].

The amendment in the nature of a substitute was agreed to.

The resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution authorizing the printing of the transcript of the proceedings of the Committee of the District of Columbia incident to the presentation of a portrait of the Honorable RONALD V. DELLUMS."

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 216, the resolution just agreed to.

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

There was no objection.

**CONFERENCE REPORT ON S. 1722, EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991**

Mr. ROSTENKOWSKI submitted the following conference report and statement on the Senate bill (S. 1722) to provide emergency unemployment compensation, and for other purposes:

**CONFERENCE REPORT (H. REPT. 102-228)**

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1722)

to provide emergency unemployment compensation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Act of 1991".

#### TITLE I—EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

##### SEC. 101. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (hereafter in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law,

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law), and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada, and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 106(2)).

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period, or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependent's allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment,

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act, or with the regulations or operating instructions of the Secretary promulgated to carry out this Act, and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 102 shall not exceed the amount established in such account for such individual.

(e) ELECTION.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State in a 7-percent period or an 8-percent period, as defined in section 102(c), is authorized to and may elect to trigger off an extended compensation period in order to provide payment of emergency unemployment compensation to individuals who have exhausted their rights to regular compensation under State law.

##### SEC. 102. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during a:	The applicable limit is:
8-percent period .....	20
7-percent period .....	13
6-percent period or other period .....	7.

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) DETERMINATION OF PERIODS.—

(1) IN GENERAL.—For purposes of this section, the terms "8-percent period", "7-percent period", "6-percent period", and "other period" mean, with respect to any State, the period which—

(A) begins with the second Sunday of the month after the first month during which the applicable trigger for such period is on, and

(B) ends with the Saturday immediately preceding the second Sunday of the month after the first month during which the applicable trigger for such period is off.

(2) APPLICABLE TRIGGER.—In the case of an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, the applicable trigger is on for any week with respect to any such period if the average rate of total unemployment in the State for the period consisting of the most recent 6-calendar month period for which data are published—

(A) equals or exceeds 6 percent, and

(B) falls within the applicable range (as defined in paragraph (3)).

Subparagraph (A) shall only apply in the case of an 8-percent period, 7-percent period, or 6-percent period.

(3) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
8-percent period .....	A rate equal to or exceeding 8 percent.
7-percent period .....	A rate equal to or exceeding 7 percent but less than 8 percent.
6-percent period .....	A rate equal to or exceeding 6 percent but less than 7 percent.
Other period .....	A rate less than 6 percent.

(4) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), if for any week beginning after October 5, 1991, an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) EXCEPTION IF APPLICABLE RANGE INCREASES.—If, but for subparagraph (A), another period with a higher applicable range would be in effect for such State, such other period shall take effect without regard to subparagraph (A).

(5) NOTIFICATION BY SECRETARY.—When a determination has been made that an 8-percent period, 7-percent period, 6-percent period, or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this Act for any week—

(A) beginning before the later of—

(i) October 6, 1991, or

(ii) the first week following the week in which an agreement under this Act is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act.

(3) REACHBACK PROVISIONS.—

(A) IN GENERAL.—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after February 28, 1991, and before the first week following October 5, 1991 (or, if later, the first week following the week in which the agreement under this Act is entered into), and

(ii) a period described in subsection (c)(2)(A) is in effect with respect to the State for the first week following October 5, 1991,

such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if such individual's benefit year ended no earlier than the last day of such following week.

(B) SPECIAL RULE.—A State not meeting the requirements of subparagraph (A)(ii) shall be

treated as meeting such requirements if such State met them for the first week following August 31, 1991.

(C) **LIMITATION OF BENEFITS.**—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) or (B) shall be reduced in accordance with subsection (b)(3).

**SEC. 103. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) **GENERAL RULE.**—There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) **TREATMENT OF REIMBURSABLE COMPENSATION.**—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) **DETERMINATION OF AMOUNT.**—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

**SEC. 104. FINANCING PROVISIONS.**

(a) **IN GENERAL.**—Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this Act.

(b) **CERTIFICATION.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) **ASSISTANCE TO STATES.**—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this Act.

**SEC. 105. FRAUD AND OVERPAYMENTS.**

(a) **IN GENERAL.**—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation, and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) **REPAYMENT.**—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) **RECOVERY BY STATE AGENCY.**—

(1) **IN GENERAL.**—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) **OPPORTUNITY FOR HEARING.**—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) **REVIEW.**—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

**SEC. 106. DEFINITIONS.**

For purposes of this Act:

(1) **IN GENERAL.**—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) **ELIGIBILITY PERIOD.**—An individual's eligibility period shall consist of the weeks in the individual's benefit year which begin in an 8-percent period, 7-percent period, 6-percent period, or other period under this Act and, if the individual's benefit year ends on or after October 5, 1991, any weeks thereafter which begin in any such period. In no event shall an individual's period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) **RATE OF TOTAL UNEMPLOYMENT.**—The term "rate of total unemployment" means the average unadjusted total rate of unemployment (as determined by the Secretary) for a State for the period consisting of the most recent 6-calendar month period for which data are published.

**TITLE II—DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH ASSISTANCE**

**SEC. 201. DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH ASSISTANCE.**

(a) **GENERAL RULE.**—The Secretary of Labor (hereafter in this title referred to as the "Secretary") shall carry out a demonstration program under this title for purposes of determining the feasibility of implementing job search assistance programs. To carry out such demonstration program, the Secretary shall enter into agreements with 3 States which—

(1) apply to participate in such program, and

(2) demonstrate to the Secretary that they are capable of implementing the provisions of an agreement under this section.

(b) **SELECTION OF STATES.**—

(1) **IN GENERAL.**—In determining whether to enter into an agreement with a State under this section, the Secretary shall take into consideration at least—

(A) the size, geography, and occupational and industrial composition of the State,

(B) the adequacy of State resources to carry out a job search assistance program,

(C) the range and extent of specialized services to be provided by the State to individuals covered by the agreement, and

(D) the design of the evaluation to be applied by the State to the program.

(2) **REPLICATION OF PRIOR DEMONSTRATION PROJECT.**—At least 1 of the States selected by the Secretary under subsection (a) shall be a State which has operated a successful demonstration project with respect to job search assistance under a contract with the Department of Labor. The demonstration program under this title of any such State shall, at a minimum, replicate the project it operated under such contract in the same geographic areas.

(c) **PROVISIONS OF AGREEMENT.**—Any agreement entered into with a State under this section shall—

(1) provide that the State will implement a job search assistance program during the 1-year period specified in such agreement,

(2) provide that such implementation will begin not later than the date 1 year after the date of the enactment of this Act,

(3) contain such provisions as may be necessary to ensure an accurate evaluation of the effectiveness of a job search assistance program, including—

(A) a random selection of eligible individuals for participation in the program and for inclusion in a control group, and

(B) collection of data on participants and members of a control group as of the close of the 1-year period and 2-year period after the operations of the program cease,

(4) provide that not more than 5 percent of the claimants for unemployment compensation under the State law shall be selected as participants in the job search assistance program, and

(5) contain such other provisions as the Secretary may require.

**SEC. 202. JOB SEARCH ASSISTANCE PROGRAM.**

(a) **GENERAL RULE.**—For purposes of this title, a job search assistance program shall provide that—

(1) eligible individuals who are selected to participate in the program shall be required to participate in a qualified intensive job search program after receiving compensation under such State law during any benefit year for at least 6 but not more than 10 weeks,

(2) every individual required to participate in a job search program under paragraph (1) shall be entitled to receive an intensive job search program voucher, and

(3) any individual who is required under paragraph (1) to participate in a qualified intensive job search program and who does not satisfactorily participate in such program shall

be disqualified from receiving compensation under such State law for the period (of not more than 10 weeks) specified in the agreement under section 201.

(b) **ELIGIBLE INDIVIDUAL.**—For purposes of this title—

(1) **IN GENERAL.**—The term "eligible individual" means any individual receiving compensation under the State law during any benefit year if, during the 3-year period ending on the last day of the base period for such benefit year, such individual had at least 126 weeks of employment at wages of \$30 or more a week with such individual's last employer in such base period (or, if data with respect to weeks of employment with such last employer are not available, an equivalent amount of employment computed under regulations prescribed by the Secretary).

(2) **EXCEPTION.**—Such term shall not include any individual if—

(A) such individual has a definite date for recall to his former employment,

(B) such individual seeks employment through a union hall or similar arrangement, or

(C) the State agency—

(i) waives the requirements of subsection (a)(1) for good cause shown by such individual, or

(ii) determines that such participation would not be appropriate for such individual.

(c) **QUALIFIED INTENSIVE JOB SEARCH PROGRAM.**—For purposes of this section, the term "qualified intensive job search program" means any intensive job search assistance program which—

(1) is approved by the State agency,

(2) is provided by an organization qualified to provide job search assistance programs under any other Federal law, and

(3) includes—

(A) all basic employment services, such as orientation, testing, a job-search workshop, and an individual assessment and counseling interview, and

(B) additional services, such as ongoing contact with the program staff, followup assistance, resource centers, and job search materials and equipment.

(d) **INTENSIVE JOB SEARCH VOUCHER.**—For purposes of this section, the term "intensive job search voucher" means any voucher which entitles the organization (including the State employment service) providing the qualified intensive job search assistance program to a payment from the State agency equal to the lesser of—

(1) the reasonable costs of providing such program, or

(2) the average weekly benefit amount in the State.

#### SEC. 303. ADMINISTRATIVE PROVISIONS.

(a) **FINANCING PROVISIONS.**—

(1) **PAYMENTS TO STATES.**—There shall be paid to each State which enters into an agreement under section 201 an amount equal to the lesser of the reasonable costs of operating the job search assistance program pursuant to such agreement or the State's average weekly benefit amount for each individual selected to participate in the job search assistance program operated by such State pursuant to such agreement. Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) shall be used for purposes of making such payments.

(2) **PAYMENTS ON CALENDAR MONTH BASIS.**—There shall be paid to each State either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under this subsection for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such esti-

mates may be made on the basis of such method as may be agreed upon by the Secretary and the State agency.

(3) **CERTIFICATION.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this subsection. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(4) **SPECIAL RULE.**—Notwithstanding any other provision of law, amounts in the account of a State in the Unemployment Trust Fund may be used for purposes of making payments pursuant to intensive job search vouchers provided pursuant to an agreement under this title.

(b) **REPORTS TO CONGRESS.**—

(1) **INTERIM REPORTS.**—The Secretary shall submit 2 interim reports to the Congress on the effectiveness of the demonstration program carried out under this title. The 1st such report shall be submitted before the date 2 years after operations under the demonstration program commenced and the 2d such report shall be submitted before the date 4 years after such commencement.

(2) **FINAL REPORT.**—Not later than the date 5 years after the commencement referred to in paragraph (1), the Secretary shall submit a final report to the Congress on the demonstration program carried out under this title. Such report shall include estimates of program impact, such as—

(A) changes in duration of unemployment, earnings, and hours worked of participants,

(B) changes in unemployment compensation outlays,

(C) changes in unemployment taxes,

(D) net effect on the Unemployment Trust Fund,

(E) net effect on Federal unified budget deficit, and

(F) net social benefits or costs of the program.

(c) **DEFINITIONS.**—For purposes of this title, the terms "compensation", "benefit year", "State", "State agency", "State law", "base period", and "week" have the respective meanings given such terms by section 106.

#### TITLE III—OTHER PROVISIONS

##### SEC. 301. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) **REPEAL OF CERTAIN LIMITATIONS.**—Subsection (c) of section 8521 of title 5, United States Code, is hereby repealed.

(b) **REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY BY RESERVES.**—Paragraph (1) of section 8521(a) of such title 5 is amended by striking "180 days" and inserting "90 days".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

##### SEC. 302. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

Section 908 of the Social Security Act is amended to read as follows:

###### "ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION"

"SEC. 908. (a) **ESTABLISHMENT.**—Not later than February 1, 1992, and every 4th year thereafter, the Secretary of Labor shall establish an advisory council to be known as the Advisory Council on Unemployment Compensation (referred to in this section as the "Council").

"(b) **FUNCTION.**—It shall be the function of each Council to evaluate the unemployment compensation program, including the purpose, goals, countercyclical effectiveness, coverage,

benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and any other aspects of the program and to make recommendations for improvement.

"(c) **MEMBERS.**—

"(1) **IN GENERAL.**—Each Council shall consist of 11 members as follows:

"(A) 5 members appointed by the President, to include representatives of business, labor, State government, and the public.

"(B) 3 members appointed by the President pro tempore of the Senate, in consultation with the Chairman and ranking member of the Committee on Finance.

"(C) 3 members appointed by the Speaker of the House, in consultation with the Chairman and ranking member of the Committee on Ways and Means.

"(2) **QUALIFICATIONS.**—In appointing members under subparagraphs (B) and (C), the President pro tempore of the Senate and the Speaker of the House shall each appoint—

"(A) 1 representative of the interests of business,

"(B) 1 representative of the interests of labor, and

"(C) 1 representative of the interests of State governments.

"(3) **VACANCIES.**—A vacancy in any Council shall be filled in the manner in which the original appointment was made.

"(4) **CHAIRMAN.**—The President shall appoint the Chairman.

"(d) **STAFF AND OTHER ASSISTANCE.**—

"(1) **IN GENERAL.**—Each council may engage any technical assistance (including actuarial services) required by the Council to carry out its functions under this section.

"(2) **ASSISTANCE FROM SECRETARY OF LABOR.**—The Secretary of Labor shall provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, required by the Council to carry out its functions under this section.

"(e) **COMPENSATION.**—Each member of any Council—

"(1) shall be entitled to receive compensation at the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Council, and

"(2) while engaged in the performance of such duties away from such member's home or regular place of business, shall be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(f) **REPORT.**—

"(1) **IN GENERAL.**—Not later than February 1 of the second year following the year in which any Council is required to be established under subsection (a), the Council shall submit to the President and the Congress a report setting forth the findings and recommendations of the Council as a result of its evaluation of the unemployment compensation program under this section.

"(2) **REPORT OF FIRST COUNCIL.**—The Council shall include in its February 1, 1994, report findings and recommendations with respect to determining eligibility for extended unemployment benefits on the basis of unemployment statistics for regions, States, or subdivisions of States."

##### SEC. 303. REPORT ON METHOD OF ALLOCATING ADMINISTRATIVE FUNDS AMONG STATES.

(a) **IN GENERAL.**—The Secretary of Labor shall submit to the Congress, within the 12-month period beginning on the date of the enactment of this Act, a comprehensive report setting forth a proposal for revising the method of allocating

grants among the States under section 302 of the Social Security Act.

(b) **SPECIFIC REQUIREMENTS.**—The report required by subsection (a) shall include an analysis of—

(1) the use of unemployment insurance workload levels as the primary factor in allocating grants among the States under section 302 of the Social Security Act,

(2) ways to ensure that each State receive not less than a minimum grant amount for each fiscal year,

(3) the use of nationally available objective data to determine the unemployment compensation administrative costs of each State, with consideration of legitimate cost differences among the States,

(4) ways to simplify the method of allocating such grants among the States,

(5) ways to eliminate the disincentives to productivity and efficiency which exist in the current method of allocating such grants among the States,

(6) ways to promote innovation and cost-effective practices in the method of allocating such grants among the States, and

(7) the effect of the proposal set forth in such report on the grant amounts allocated to each State.

(c) **CONGRESSIONAL REVIEW PERIOD.**—The Secretary of Labor may not revise the method in effect on the date of the enactment of this Act for allocating grants among the States under section 302 of the Social Security Act, until after the expiration of the 12-month period beginning on the date on which the report required by subsection (a) is submitted to the Congress.

**SEC. 304. ASSISTANCE TO CERTAIN DISLOCATED WORKERS.**

For the purposes of determining the programs and activities to be funded under part B of title III of the Job Training Partnership Act in program years 1991 and 1992, the Secretary of Labor shall give special consideration to providing services to dislocated workers in the timber industry in the States of Washington and Oregon.

**TITLE IV—BUDGET PROVISIONS**

**SEC. 401. TREATMENT UNDER PAY-AS-YOU-GO PROCEDURES.**

(a) **DESIGNATION AS EMERGENCY.**—The provisions of (and amendments made by) this Act shall be treated as provisions designated as emergency requirements by the President and the Congress under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) **NEW BUDGET AUTHORITY, ETC. NOT CONSIDERED.**—Any amount of new budget authority or outlays resulting from the provisions of (and amendments made by) this Act shall not be considered for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985.

**SEC. 402. EXEMPTION OF EMERGENCY UNEMPLOYMENT COMPENSATION FROM SEQUESTRATION.**

Payments under title I of this Act (relating to emergency unemployment compensation) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

DAN ROSTENKOWSKI,  
THOMAS J. DOWNEY,  
HAROLD FORD,  
BARBARA B. KENNELLY,  
MICHAEL A. ANDREWS,  
Managers on the part of the House.

LLOYD BENTSEN,  
GEORGE MITCHELL,

DON RIEGLE,  
BOB PACKWOOD,

Managers on the part of the Senate.

**JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1722) to provide emergency unemployment compensation, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

**GENERAL DESCRIPTION**

The Emergency Unemployment Compensation Act of 1991 (S. 1722), as agreed to by House and Senate conferees, has three major objectives. First, it establishes a time-limited program of emergency unemployment compensation benefits to assist unemployed workers who have exhausted their benefits under the current unemployment programs. Second, it corrects an inequitable situation whereby unemployed, former members of the armed forces must wait longer to receive regular unemployment benefits and receive fewer weeks of benefits than civilians who become unemployed. Finally the conference agreement establishes an unemployment compensation advisory council which will meet every four years to review the status of the unemployment program and recommend needed improvements.

In addition, the conference agreement establishes a demonstration program to test the effectiveness of providing job search services to unemployment compensation claimants, and directs the Secretary of Labor to report to the Congress on an improved method of allocating unemployment compensation administrative funds among States.

The conference agreement provides that all provisions of the Act shall be treated as provisions designated as emergency requirements by the President and the Congress under the terms of the Budget Act, and no spending resulting from the Act shall be considered for any purpose under the Budget Act. The agreement also provides that payments for emergency benefits are exempt from sequester. The cost of emergency unemployment compensation benefits is Federally financed from existing balances in the Extended Unemployment Compensation Account of the Unemployment Trust Fund.

**TITLE I.—EMERGENCY UNEMPLOYMENT COMPENSATION**

**Present law.**—Under current law, the Extended Benefits program provides for the payment of a maximum of 13 additional weeks of benefits after an unemployed worker has received that 26 weeks (maximum) of regular benefits provided under State law. The extended benefits program is activated when: (1) a State's insured unemployment rate has averaged at least 5 percent for 13 consecutive weeks, and (2) that rate is at least 20 percent higher than the State's average insured unemployment rate for the corresponding 13-week period in the 2 preceding years. At their option, States may apply an alternative trigger mechanism. Under the alternative, extended benefits can be paid if a State's insured unemployment rate is at least 6 percent, even though the rate is less than 20 percent higher than the rate in the preceding 2 years. Thirty-seven States, the District of Columbia, Puerto Rico, and the Virgin Islands have adopted this alternative trigger mechanism.

Fifty percent of the benefits paid under the Extended Benefits program are paid for with State funds. The remaining 50 percent are paid from Federal funds drawn from the Extended Unemployment Compensation Account in the Unemployment Trust Fund.

**Senate bill.**—The bill establishes a temporary program of emergency unemployment compensation benefits, to be in effect from October 6, 1991 through July 4, 1992. The program would pay Federally-funded benefits to unemployed workers who had exhausted their benefit rights under the regular unemployment compensation program, and to certain workers who had exhausted the additional benefits available to them under the Extended Benefit program.

**A. Scope and duration of emergency benefits**

Beginning in October all States would be eligible to provide emergency unemployment compensation benefits financed entirely by the Federal government. The bill would establish three levels of eligibility for these emergency benefits. The number of weeks of benefits payable to an unemployed worker who had exhausted regular unemployment benefits in a particular State would be determined by the average total unemployment rate, or TUR, in that State for the most recent six months for which data are available:

States with a TUR of 8 percent or higher would be eligible to provide 20 weeks of benefits;

States with a TUR of 7 percent up to 8 percent would be eligible to provide 13 weeks of benefits;

All other States would be eligible to provide 7 weeks of benefits (including the Virgin Islands).

At any time that a State was not eligible for one of the two higher levels of benefits, unemployed workers in the State who exhausted their regular unemployment benefits would be eligible for 7 weeks of emergency benefits.

**B. Eligibility for emergency benefits**

Emergency unemployment compensation benefits would be paid to unemployed workers who exhaust their regular unemployment benefits during the effective period of the program, October 6, 1991 through July 4, 1992.

The bill also "reaches back" to aid workers in States with higher levels of unemployment who exhausted their regular employment benefits in the six-month period prior to the start of the emergency program. Unemployed workers who exhausted benefits after March 1, 1991 and before the first week beginning after October 5 would be eligible to receive 7, 13, or 20 weeks of benefits in eligible States. The "reach back" would not be available in States that do not have a six percent TUR period in effect as of September 1 or October 6, 1991.

Some unemployed workers who had received extended benefits and exhausted their eligibility for them, either during the effective period of the program or during the "reach back" period, would also be eligible for emergency benefits. The bill provides that the number of weeks of extended benefits the worker received would be deducted from the number of weeks of emergency benefits available in the State. The number of weeks of emergency benefits that remained, if any, would be paid to the worker.

**C. Other benefit provisions**

The Senate provision is structured to ensure that an unemployed worker receives the maximum number of weeks of benefits to which the worker is entitled, and to prevent any sudden and unexpected removal of a

worker from benefit status if a State "triggers off" while the worker is in the middle of a benefit period. Once a State's average TUR has caused it to "trigger on" for a 13- or 20-week period of emergency benefits, the State would remain triggered on for at least 13 weeks, even if its TUR declined during this period.

Alternatively, if a State's average unemployment rate were to increase so that the State qualified for a higher number of weeks of benefits, workers in that State would receive the additional benefits. Further, once an unemployed worker became eligible for 7, 13, or 20 weeks of emergency benefits, the worker would be paid benefits for all weeks to which he or she was entitled, even if the State "triggered off" or the program expired before the worker had received the full number of weeks of benefits.

#### D. Measure for triggering benefits

To determine the number of weeks of benefits which may be paid in the State, the bill requires the Secretary of Labor to use the average unadjusted total rate of unemployment for a State for the most recent 6-calendar month period for which data are available.

#### E. Funding source for emergency benefits

All benefits are fully Federally-funded out of the Extended Unemployment Compensation Account.

*House amendment.*—The House amendment establishes a new permanent Federal Supplemental Compensation program that would replace the current Extended Benefits program. It would provide three tiers of benefits added to the 26 weeks of regular State benefits. A temporary provision would add a fourth tier during fiscal year 1992.

#### A. Scope and duration of benefits

Beginning the month after the month of enactment, all States would be eligible to provide supplemental benefits financed entirely by the Federal government. The number of weeks of benefits payable in a State would be based on the State's seasonally-adjusted total unemployment rate for the most recent three months.

States would be eligible for the following weeks of benefits:

20 weeks if the TUR is at least 8 percent and is at least 120 percent of the average in the same three-month periods during the last two years;  
15 weeks if the TUR is at least 7 percent (plus at least 120 percent); and  
10 weeks if the TUR is at least 6 percent (plus at least 120 percent).

In addition, in fiscal year 1992, all States not otherwise eligible for a higher benefit period would be eligible for five weeks of benefits if the three-month moving average of the seasonally adjusted national TUR is at least 6 percent.

#### B. Eligibility for benefits

Benefits would be paid to unemployed workers who exhaust their regular unemployment benefits under State law after the effective date of the program.

In addition, workers who have exhausted regular benefits before the effective date, but on or after January 1, 1991, would be eligible under a "reach back" provision for 5, 10, 15, or 20 weeks of benefits depending on the number of weeks activated in their States upon enactment.

#### C. Other benefit provisions

The House amendment includes provisions that are similar to those in the Senate bill.

#### D. Measure for triggering benefits

To determine the number of weeks of benefits which may be paid in a State, the House

amendment requires the Secretary to use the three-month moving average of the State's seasonally adjusted total unemployment rate. However, until the Bureau of Labor Statistics is able to adjust State rates for seasonal fluctuations, a six-month moving average of unadjusted rates would be used instead.

#### E. Funding source for benefits

Most benefits are paid out of Federal funds in the Extended Unemployment Compensation Account. Benefits for employees of non-profit organizations and governmental agencies are paid out of general revenues.

#### F. Repeal of existing program

The existing Extended Benefits program is repealed the month after the month of enactment.

*Conference agreement.*—The conference agreement follows the Senate bill, modified to provide an effective date for the "reach back" provision of March 1, 1991. It also clarifies that the data to be used in determining a State's TUR would be for the most recent six calendar month period for which data have been published.

#### TITLE II.—DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH

*Present law.*—Federal law is silent on eligibility conditions for unemployment benefits. However, under State laws, all States require claimants to be able to work and available for work. Also, most States require the claimant to register with a local employment office and to seek work actively or to make a reasonable effort to obtain work.

*Senate bill.*—No provision.

*House amendment.*—The House amendment authorizes three state demonstration projects to assess the cost-effectiveness of intensive job search services for unemployment compensation claimants. Claimants who have at least 126 weeks of employment at \$30 per week with their last employer in the last three years may be required to participate in an intensive job search program after they have received 6 to 10 weeks of regular State benefits. However, no more than five percent of the claimants for unemployment compensation in a State could be selected to participate. Workers with definite recall dates or those hiring out of union halls would not be eligible to participate.

Lack of compliance could lead to disqualification of up to 10 weeks of benefits. However, States may waive the requirement for participation if the individual shows good cause.

Participants would be entitled to a voucher worth the lesser of the average weekly benefit (about \$167 nationwide) in their State of residence or the reasonable cost of providing the services. Costs of operating a job search program would be funded out of the Federal Supplemental Compensation Account.

Intensive job search assistance would include all basic employment services such as orientation, testing, a job-search workshop, and an individual assessment and counseling interview. Additional services would involve periodically contacting the intensive job search assistance program staff, receiving followup assistance, and using resource centers and job search materials and equipment, such as telephones, job listings, and word processors for resume writing.

Demonstration projects would last for one year. States would be required to evaluate their programs and to submit interim reports to the Congress, with a final report due no later than five years after the commencement of each project.

The provision would be effective upon enactment.

*Conference agreement.*—The conference agreement follows the House amendment.

#### TITLE III.—OTHER PROVISIONS

#### A. Payment of unemployment compensation to former members of the Armed Forces

*Present law.*—Under current law, regular unemployment compensation benefits are payable to unemployed ex-service members who (1) are separated under honorable conditions (and in the case of officers, did not resign for the good of the service); and (2) have completed the first full term of active service. Ex-service members who are separated prior to completing their first full term of active service can also qualify for unemployment compensation benefits if they are separated under honorable conditions: (1) for the convenience of the Government under an early release program; (2) because of medical disqualifications, pregnancy, parenthood, or any service-incurred injury or disability; (3) because of hardship; or (4) if they have served for 365 continuous days, because of personality disorder or inaptitude.

Through most of the history of the Unemployment Compensation program, ex-service members received the same number of weeks of benefits as civilians, and benefits were payable to service members after waiting the same length of time as civilians had to wait. In 1982 the law was amended so that ex-service members must wait four weeks from the date of their separation from the service before they may receive benefits. Civilians serve a one-week waiting period. Ex-service members can receive regular unemployment compensation benefits based on employment in the military for a maximum of 13 weeks. Civilians receive regular unemployment benefits for up to 26 weeks.

To be used as the basis for paying unemployment compensation benefits, active duty service by a member of a reserve military component must have been for not less than 180 consecutive days.

*Senate bill.*—The Senate bill would repeal the provision enacted in 1982 requiring ex-service members to wait four weeks before being eligible for unemployment compensation benefits, and limiting the duration of their benefits to 13 weeks. It would also reduce from 180 to 90 the number of consecutive days an individual in a reserve military component must serve on active duty before that service may be counted for purposes of eligibility for benefits.

*House amendment.*—The House amendment is the same as the Senate bill.

*Conference agreement.*—The conference agreement follows the Senate bill and the House amendment.

#### B. Advisory Council on Unemployment Compensation

*Present law.*—Title IX of the Social Security Act requires the Secretary of Labor to establish a Federal Advisory Council on unemployment compensation. The number of members must not exceed 16, including the chairman. The Council's purpose is to review the Federal-State unemployment compensation system and to make recommendations for change to the Secretary.

The Council is appointed by the Secretary, and members must consist of representatives of employers and employees, in equal numbers, and the public. The Council held its last formal meeting on April 22 and 23 of 1981. Its charter expired in 1986.

*Senate bill.*—The bill would repeal present law and establish a new Advisory Council on Unemployment Insurance. The Council

would be patterned after the advisory councils established for the Social Security program.

The Secretary of Labor would establish the first Advisory Council on Unemployment Compensation not later than February 1, 1992. Subsequent Advisory Councils would be appointed every fourth year after the appointment of the first Council. Each Advisory Council would be comprised of 11 members: three members appointed by the President pro tempore of the Senate, in consultation with the Chairman and Ranking Member of the Committee on Finance; three members appointed by the Speaker of the House, in consultation with the Chairman and Ranking Member of the Committee on Ways and Means; and five members appointed by the President. The Chairman would be appointed by the President.

Selections made by the President would be required to include representatives of business, labor, State government, and the public. The President pro tempore of the Senate and the Speaker of the House would each appoint one representative of business, one representative of labor, and one representative of the interests of State governments.

The function of each Advisory Council would be to evaluate the unemployment compensation program, including the purpose, goals, countercyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and any other aspects of the program, and to make recommendations for improvement. The bill specifically directs the first Advisory Council to include in its report findings and recommendations with respect to determining eligibility for extended unemployment benefits on the basis of unemployment statistics for regions, States, and subdivisions of States. The report of the first Council is due February 1, 1994.

Each Council would be authorized to engage any technical assistance required to carry out its functions, including actuarial services. The Secretary of Labor would provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, that are required by the Council to carry out its functions.

The Senate provision would be effective upon enactment.

**House amendment.**—The House amendment is similar to the Senate bill. It repeals present law and establishes a new Advisory Council on Unemployment Insurance modeled after the quadrennial advisory councils established for the Social Security program. The Council would report to the Congress on the counter-cyclical effectiveness, benefit adequacy, solvency, and administrative efficiency of the unemployment program.

The Council would have 16 members plus the Secretary of Labor. The President would appoint eight members and the Congress would appoint eight members. There would be four members each from the Congress, business, labor, and State government. The Secretary of Labor would serve as chairman. The provision would be effective upon enactment.

**Conference agreement.**—The conference agreement follows the Senate bill.

#### C. Report on method of allocating administrative funds among States

**Present law.**—Federal law authorizes appropriations to assist States in the administration of their unemployment compensation laws. The Secretary of Labor certifies to the Secretary of Treasury for payment to States

such amounts as the Secretary determines to be necessary for the proper and efficient administration of unemployment compensation during the fiscal year for which the payment is made. The Secretary of Labor's determination must be based on the population of the State, an estimate of the number of persons covered by the State's unemployment compensation law and the cost of proper and efficient administration of such law, and such other factors as the Secretary of Labor finds relevant. The Secretary of Labor may not certify for payment a total amount which exceeds the amount appropriated for the fiscal year.

**Senate bill.**—No provision.

**House amendment.**—The Department of Labor would be required to send a report to the Congress with a proposal for revising the method for distributing administrative grants to States. The report would be required to include an analysis of various factors such as productivity, cost, workload levels, and simplicity.

The provision would be effective upon enactment.

**Conference agreement.**—The conference agreement follows the House amendment.

#### D. Assistance to certain dislocated workers

**Present law.**—Under Part B of Title III of the Job Training Partnership Act (JTPA), the Secretary of Labor has discretionary authority to spend funds on employment and training services for dislocated workers in certain circumstances, such as unforeseen mass layoffs for which regular Title II State allocations are inadequate. The Secretary may target such assistance on specific industries.

**Senate bill.**—The Senate bill directs the Secretary of Labor to give special consideration to providing services to dislocated timber workers in Oregon and Washington for purposes of determining the programs and activities to be funded under Part B of Title III of JTPA.

**House amendment.**—No provision.

**Conference agreement.**—The conference agreement follows the Senate bill.

### TITLE IV. BUDGET PROVISIONS

#### A. Emergency designation

**Present law.**—The Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings), as amended by the Budget Enforcement Act of 1990, provides that new outlays to meet an emergency requirement may be exempted from spending caps and from causing sequestration as a result of failure to meet pay-as-you-go requirements. Part C of the Act, in sections 251(b)(2)(D) and 252(e), provides that if the President designates a provision as an emergency requirement, and the Congress also so designates in statute, then the spending authorized by any such provision will not be counted for purposes of the Gramm-Rudman-Hollings enforcement procedures.

**Senate bill.**—The bill provides for designating all direct spending amounts and all appropriations authorized by the bill as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985. However, the bill also stipulates that no provisions will take effect unless, not later than the date of enactment, the President submits to the Congress a written designation of all spending authorized by the bill as emergency requirements within the meaning of the Budget Act.

**House amendment.**—The House amendment provides that its provisions would constitute an emergency within the meaning of section

252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Notwithstanding the cost estimate, any amount of new budget authority, outlays, or receipts resulting from the bill would not be considered for any purpose of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Conference agreement.**—The conference agreement follows the House amendment with a technical correction.

#### B. Exemption of Federal supplemental compensation from sequestration

**Present law.**—The Federal half of Federal-State Extended Benefits is subject to sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**Senate bill.**—No provision.

**House amendment.**—Benefits provided under the new supplemental benefits program would be exempted from sequestration.

**Conference agreement.**—The conference agreement follows the House amendment.

### PROVISIONS NOT INCLUDED IN THE CONFERENCE AGREEMENT

#### A. MODIFICATIONS TO FEDERAL UNEMPLOYMENT ACCOUNTS

**Present law.**—Generally, State accounts in the Federal unemployment trust fund earn interest on funds not required to meet current withdrawals at a rate equal to the average rate of interest of all interest-bearing obligations of the United States forming the public debt.

The Federal unemployment tax on employers is 0.8 percent on the first \$7,000 paid annually to each employee. It flows into three Federal accounts: (1) the Employment Security Administration Account (ESAA); (2) the Extended Unemployment Compensation Account (EUCA); and (3) the Federal Unemployment Account (FUA).

The ESAA holds funds for the administration of the Unemployment Insurance and Employment Services. The EUCA holds funds to cover the Federal half of the Extended Benefits (EB) program. The FUA holds funds to lend to States who run out of money in their accounts to cover State benefits and the State half of the EB program.

Currently 90 percent of the 0.8 percentage point (0.72 percentage points) Federal unemployment tax flows into ESAA. The remaining 0.08 percentage point is transferred monthly to EUCA. Up to 95% of the estimated net revenue after this transfer is available to be appropriated for State administrative costs.

The remaining balance is available for Federal administrative costs. At the end of the fiscal year, any excess above 40 percent of the appropriation for the prior fiscal year is transferred to EUCA.

EUCA receives the 0.08 percentage point of the Federal unemployment tax plus any overflows from ESAA. It has a ceiling of 0.375 percent of total wages in covered employment in the prior calendar year. If the ESAA and EUCA are full, any excess at the end of the fiscal year is transferred to the FUA. If the ESAA is not full, the excess is transferred to ESAA and then any remaining funds go to FUA or EUCA to the extent that they are not full.

FUA does not receive Federal unemployment taxes directly. If ESAA and EUCA are full at the end of the fiscal year, FUA receives the excess funds. If all three accounts are full, the excess is allocated to the State accounts in the unemployment trust fund in proportion to each State's share of Federal unemployment taxes paid in the prior calendar year.

*Senate bill.*—No provision.

*House amendment.*—The provision would authorize a tiered interest rate structure to reward States for maintaining adequate balances. Interest rates on State balances would earn premiums of 5, 10, and 15 percent higher than the current interest rate if their "high-cost multiples" in the previous quarter exceeded 0.5, 1.0, and 1.5 respectively. The high-cost multiple equals a State's current trust fund balance expressed as a percent of total wages paid in the State divided by the highest ratio of benefit costs to total wages for a 12-month period in the State's experience.

The provision would change the flow of Federal unemployment tax revenue into the three Federal Accounts such that ESAA would receive 80 percent, EUCA and FUA each would receive 10 percent of the annual revenue. The overflows would continue to work as under present law. Interest-free borrowing would be authorized between the accounts. The ceiling in the loan account would be lowered from 0.625 to 0.375 percent of total annual wages. The ceiling on EUCA would be raised from 0.375 to 0.625 percent of total annual wages, and it would be renamed the Supplemental Compensation Account.

*Conference agreement.*—The conference agreement does not include the House amendment.

#### B. COST ESTIMATE

*Present law.*—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Enforcement Act of 1990, provides that the Office of Management and Budget shall determine and report on amounts to be sequestered to enforce spending limits, pay-as-you-go targets, and deficit targets. If in its final sequestration report OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report.

*Senate bill.*—No provision.

*House amendment.*—As required by House rules, the total dollar amounts of outlays and receipts resulting from the provisions of the bill in fiscal years 1991 through 1995, as estimated by the Congressional Budget Office, are written into the bill.

*Conference agreement.*—The conference agreement does not include the House amendment.

#### C. INTERNATIONAL COFFEE AGREEMENT

*Present law.*—The International Coffee Agreement is a multilateral commodity agreement, first negotiated in 1962, between consumer and producer countries. Its objective is to stabilize coffee prices and assure adequate supplies of coffee to consuming nations. Negotiations on the renewal of the agreement were broken off in 1989. The statutory authority for U.S. participation in the agreement expired on October 1, 1989.

*Senate bill.*—The bill contains a Sense of the Senate resolution stating that the International Coffee Organization, through its export quota system, acts like a cartel and directly against the interests of American consumers by keeping prices at artificially high levels.

The resolution expresses the sense of the Senate that the United States should not be a party to any coffee agreement which will increase the price of coffee to the American consumer.

*House amendment.*—No provision.

*Conference agreement.*—The conference agreement does not include the Senate provision.

DAN ROSTENKOWSKI,

THOMAS J. DOWNEY,  
HAROLD FORD,  
BARBARA B. KENNELLY,  
MICHAEL A. ANDREWS,

*Managers on the part of the House.*

LLOYD BENTSEN,  
GEORGE MITCHELL,  
DON RIEGLE,  
BOB PACKWOOD,

*Managers on the Part of the Senate.*

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1330

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1330.

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

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. WALSH. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Resolution 194.

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

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Monday, September 30, 1991:

S. 296. An act to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.

#### WE CARE ABOUT WELL-BEING OF WORKING MEN AND WOMEN

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

Mrs. KENNELLY. Mr. Speaker, we have the opportunity today to let the American people know that we really understand what is going on in these United States.

We have a very serious situation. Many American people are desperate, and they need help, they need their Government's help. Some of these people have never asked for that help before.

The statistics speak for themselves: 9 million people looking for work; 6 million people working parttime because they cannot find a full-time job.

My own State of Connecticut has 40,000 people who have exhausted their

unemployment insurance benefits, and we have the highest per capita income in the United States of America.

Mr. Speaker, it is no secret that the White House threatens to veto this bill. But I can only say that anyone who threatens that veto has never looked in the eyes of someone who is desperate; someone who does not know how they are going to pay the mortgage, pay the car payment, or even pay the bills.

I urge my colleagues today to come together and make it known, very loud and very clear, that we have the votes to override a veto, that we understand that there are people who have worked for 10 or 20 years, never needing the help of their Government, but they need it today. This is when their Government should be with them.

I urge a loud, clear override vote.

#### OUR NATION'S UNEMPLOYED NEED SMALL BUSINESS JOBS

(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, today we will consider the conference report to S. 1722, the Emergency Unemployment Compensation Act.

This bill is not the answer to the problems of the unemployed. If we really wanted to help our Nation's unemployed, we would enact unemployment benefits that are paid for by identifying offsetting savings. At the same time, we would pass measures that would stimulate small business job creation.

But Mr. Speaker, we will not be given that choice. Instead, Members are faced with the option of voting for a bill that will throw the country deeper in debt, thereby causing more Americans to lose their jobs—or voting for nothing at all. The vast majority of our Nation's unemployed would much rather have a permanent job than long-term access to unemployment benefits.

As we vote today on this conference report I urge my colleagues to remember that it is easy to say that you are all for small business job creation, and our Nation's unemployed, but it is how you vote that really counts.

□ 1240

#### PRESIDENT SHOULD SIGN UNEMPLOYMENT EXTENSION

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

Mr. WISE. Mr. Speaker, today the Congress is going to vote to pass extended unemployment benefits and the President said he will veto that bill again, and he will talk about growth policies, and let us have some growth around here.

Well, let us look at some figures from the administration, the Bureau of Labor Statistics. Let us see how those growth policies have worked for working Americans.

George Bush promised us 30 million jobs, as candidate Bush. The result, according to this chart, George Bush has 300,000 jobs less than we had when he became President. Every other President, back to Ike, had positive job growth every month; 200,000 under President Carter, 175,000 a month under President Reagan. George Bush is losing us 10,000 jobs a month.

The only growth rate this administration knows is negative growth rate, and those are the people who are suffering and need the extended unemployment benefits. Let us put faces in front of the chart, in front of the people below this line. They are the men and women, working Americans, who have car payments to make, tuition payments, and children and doctor bills to pay. They are the people who want to work, have worked before and want to work again.

If George Bush's policies are costing Americans below this line their jobs, at least I would urge him to sign the unemployment bill to help them get back above this line.

#### BREAST CANCER AWARENESS MONTH

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

Mrs. VUCANOVICH. Mr. Speaker, today, October 1, 1991, is the first day of "Breast Cancer Awareness Month." During this month, women throughout the United States will be looking to the Congress and cancer organizations for guidance on how to improve their health. Groups, such as the Komen Foundation and the American Cancer Society, have developed activities to improve knowledge about this disease and how early detection can save lives.

As we have discovered, Members of Congress and their loved ones are not exempt from this disease. I know, as a breast cancer survivor myself, it is a scary and trying time. I pray for the quick recovery of Priscilla Mack, wife of Senator CONNIE MACK, and am encouraged by the successful recovery of Congresswoman MARILYN LLOYD.

Mr. Speaker, I would like to ask my colleagues "What are you doing to recognize Breast Cancer Awareness Month?" Later this month, I will be hosting a Breast Cancer Public Education Fair in my district. This event, sponsored by the American Cancer Society, will provide the public with education about early detection and the need for a routine mammogram after the age of 40. I urge my colleagues to take similar action. If you have not done so already, cosponsor legislation

to increase the availability of mammography screening for women or make public service announcements about the importance of early detection, but somehow let your constituents know you care. Hopefully, this knowledge will save lives—many, many lives.

#### THE UNEMPLOYMENT INSURANCE REFORM ACT

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

Mr. GLICKMAN. Mr. Speaker, today the House has an opportunity to help millions of unemployed Americans in their greatest hour of need.

Just over one-third of the 8.5 million unemployed Americans are receiving unemployment benefits. The remaining two-thirds have spent months seeking a job that will put food on their families' table. Their unemployment benefits have run out with no economic recovery in sight.

The Congress has tried to address this tragedy, but the President says no. Over \$8 billion surplus sit idle in the unemployment fund, a fund dedicated to unemployment compensation, while more than one million Americans have been unemployed for over 6 months. Yet, President Bush would rather use those funds to make the deficit appear smaller than help those Americans make it through this difficult period.

It is time for this President, in his big White House, to think about the unemployed American in his little white house. President Bush will not have to pay a heating bill, or rent, this winter for his house, but the unemployed American does. Without an extension of benefits, he may not be able to heat his house, or to even pay his monthly rent. To some folks, these benefits make the difference between shelter and homelessness.

Today, let us set a kinder and gentler example. Support the conference report.

#### DEMOCRATIC REFORMS NEEDED IN KUWAIT

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

Mr. LAGOMARSINO. Mr. Speaker, later this week President Bush will meet with the Emir of Kuwait. I hope the President will remind the Emir of a basic belief held not only by Americans, but all free peoples throughout the world: The press must be free.

Seven months after Operation Desert Storm liberated Kuwait from tyranny, the Kuwaiti press—which used to be free—remains gagged through official censors stationed at every newspaper. The censor's aim? To assure no real

criticism of the Al-Sabah government is printed. New papers, like February 26 which spread the fires of freedom during the Iraqi occupation, are denied registration for printing in today's free Kuwait because of possible negative articles it could print. For those of us who supported Desert Storm, this is unacceptable.

Last, October—before the United Nations or the United States voted on using force—the Emir of Kuwait promised his people and the world that a liberated Kuwait would return to its constitutional foundations. While he has announced elections for October 1992, this is not enough since no election can truly be "free and fair" if the people cannot express their views in a free, unrestricted press. It's time to live up to these promises.

I stood 100 percent behind President Bush's actions to free Kuwait. I helped craft responsible legislation in the House to support democratic reform in Kuwait—not bash the Emirate. So, I stand here today as a true friend of Kuwait to say, "Remove all censorship of the press, Sheikh Jaber."

The time has come for the Kuwaiti Government to allow a free and vibrant press to set an example for the whole region and remove this ugly reminder of Iraq's occupation and Saddam Hussein's dictatorial policies.

#### TIME FOR PRESIDENT TO DO SOMETHING GOOD FOR AMERICANS: SIGN THE UNEMPLOYMENT BILL

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

Mr. MAZZOLI. Mr. Speaker, the President is doing many good things for the world. He has reduced the terrible nuclear threat by his speech of last week to abandon short-range nuclear missiles. He is providing much needed assistance to Eastern Europe and the peoples of the Soviet Union who are suffering much at this time.

The President has moved forward resolutely on finding a peaceful solution to the crisis in the Middle East. These are good things for the world.

Now, Mr. Speaker, it is time for the President to do something good for the people of this country. I hope that the President will sign into law the extended unemployment compensation benefits bill which will be sent to him today.

Mr. Speaker, with respect to Kentucky, we would qualify for 13 weeks of unemployment benefits because our unemployment rate is above 7 percent. In my own community of Louisville, it is above 6½ percent.

Let me just say, Mr. Speaker, the President has done many laudable and important and good things for the world. Now I hope he does a laudable, important, and good thing for America.

### RUBBERGATE, THE CHECK WRITING SCANDAL

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

Mr. NUSSLE. Mr. Speaker, it is time to take the mask off this institution. It is time to expose the check writing scandal that I like to call Rubbergate. It is time to bring some honor back to this institution.

Nine months ago, I stood on this floor with other freshmen and took the oath of office for the very first time in my career, and it was probably one of the most important days of my entire life. I have never been so proud; but to go home to my district over this weekend and to have people laughing at Congress, laughing at Congressmen, laughing at this institution, brings dishonor on all of us.

I will give you a couple examples. I was out at a Pizza Hut this weekend with my son, Mark, and my daughter, Sarah, my wife, Leslie, and a gentleman from the booth behind me asked me, "Are you going to pay for this with a check, Congressman?"

That is not the kind of jokes that we need. We need to expose this.

Mr. Speaker, announce the list of names.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would like to advise the gentleman from Iowa, the gentleman is not supposed to use the exhibit as he did. The Chair should have caught it. The Chair knows the gentleman will respect the rules of the House.

### HAPPY BIRTHDAY WMUR

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

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a decade of fine service provided to the people of New Hampshire by WMUR-TV. Owned and operated by the Imes Group and led by President Birney Imes, Jr., WMUR continues to be the only network affiliated station within New Hampshire's borders, carrying a full-time news operation with five newscasts each day. Congratulations to the entire news team on providing the kind of up-to-the-minute information that allows our citizens to keep pace with the steady flow of events.

WMUR's entire staff—70 people strong—has also created a tradition of public service that has set an example for all of us in the Granite State. WMUR continues to serve New Hampshire by visiting schools around the

State and by donating air time to New Hampshire public service organizations. In addition, WMUR has raised millions of dollars in telethons to support the Muscular Dystrophy Association, the Easter Seal Society, and the Arthritis Foundation.

Mr. Speaker, I ask my colleagues in the Congress to join me in congratulating WMUR on its 10th anniversary and to wish the staff many more years of service to the good people of New Hampshire.

### PARLIAMENTARY INQUIRIES

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman will state it.

Mr. DELAY. Mr. Speaker, did I mishear the Speaker about the exhibits? Could the Speaker clarify the admonishment of the gentleman from Iowa about the exhibits?

The SPEAKER pro tempore. By the rules of the House, Members may not use an exhibit the way the gentleman did. The Chair will call Members to order on both sides of the aisle.

Mr. DELAY. Mr. Speaker, a further parliamentary inquiry: Is charts and the use of the easel and charts an exhibit?

The SPEAKER pro tempore. Charts are not included in that admonition.

Exhibitions on the floor such as the gentleman utilized in the well are prohibited.

Mr. DELAY. I have a further parliamentary inquiry, Mr. Speaker, I did not quite understand it. I am sorry I am a little dense. Do you use—you can use charts but do not those charts require permission of the House to use them?

The SPEAKER pro tempore. The Parliamentarian advises that if a Member wants to challenge the use of a chart in the well, that that could be done and then the Chair puts the question on the use of that exhibit to the House.

Mr. DELAY. So the Chair will not admonish a Member for using the charts but will admonish a Member to the discretion of the Chair, the kinds of exhibits that the Member uses, if it brings ridicule on the House?

The SPEAKER pro tempore. That is correct. To maintain proper decorum in the House, the Chair used his discretion with the gentleman from Iowa.

Mr. DELAY. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DELAY. Mr. Speaker, are bouncing checks bringing ridicule to the House?

The SPEAKER pro tempore. The Chair did not hear what the gentleman said. Will he repeat?

Mr. DELAY. I was asking a parliamentary inquiry, whether bouncing

checks was bringing ridicule to the House.

The SPEAKER pro tempore. The Chair will refer the gentleman to the Speaker's very strong statement on last Wednesday.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2935. An act to designate the building located at 6600 Lorain Avenue in Cleveland, Ohio, as the "Patrick J. Patton United States Post Office Building".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2521. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2521) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BYRD, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMBERS, Mr. LAUTENBERG, Mr. HARKIN, Mr. STEVENS, Mr. GARN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1722) entitled "An act to provide emergency unemployment compensation, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1773. An act to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.

### CONGRESS SHOULD LIVE UP TO ITS RESPONSIBILITY TO PASS BILLS ON TIME

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

Mr. THOMAS of Wyoming. Mr. Speaker, today is the beginning of a new fiscal year, and yet this Congress is practicing its old habits of grandstanding about issues and not doing the sensible thing to fix it. Mr.

Speaker, this Congress needs accountability and a sense of responsibility.

Members are posturing on an unemployment benefits bill which they know will be vetoed, and yet we have not reauthorized the highway program that would put thousands of construction workers to work. Here we have the opportunity to move ahead with jobs, move ahead with the transportation program, but instead it is delayed, the new fiscal year starts and the highway contracts are stalled and people are without jobs. All this could be avoided if Congress would live up to its responsibility to pass the bills on time.

Mr. Speaker, the irony of this is sharp, and I hope Members will pause to think about the consequences for jobs because Congress missed the deadline of the new fiscal year.

Mr. Speaker, if the leadership would spend as much energy toward helping develop jobs, passing a highway reauthorization, as it does toward posturing itself for the 1992 Presidential election, we would all be further ahead.

#### OCTOBER IS BREAST CANCER AWARENESS MONTH

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

Mrs. SCHROEDER. Mr. Speaker, today marks the beginning of Breast Cancer Awareness Month. I don't think there is a person in this House who hasn't been touched personally by breast cancer.

The good news is that breast cancer survivors have become politically active on this issue and demanded that Congress put the funding of breast cancer research as a top priority. We in Congress met that demand in the NIH Reauthorization Act in spite of President Bush's veto threat.

Now I ask you to join me and MARILYN LLOYD in sponsoring legislation to strengthen the key to the early detection of breast cancer—mammograms.

Our legislation, the Breast Cancer Screening Safety Act, requires national quality standards for all mammography facilities in the area of equipment, personnel, oversight quality control, and enforcement.

As we continue to urge women to get their annual mammograms, we must also guarantee them that their mammogram will be safe and accurate. This legislation gives women that assurance.

Too many tragic cases have occurred where a woman has a mammogram, receives a clean bill of health, and a few months later learns she has breast cancer. The Breast Cancer Screening Safety Act can help avoid such tragedies.

#### EXTENSION OF UNEMPLOYMENT BENEFITS IS PARTISAN POLITICS

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

Mr. HEFLEY. Mr. Speaker, after the President exercised his authority over the first unemployment compensation bill, the Democrats in a brave show of partisan politics cried that the President and the Republicans don't care about the unemployed. Why then, one might ask themselves, weren't the Democrats complaining when President Jimmy Carter refused to extend unemployment benefits during his Presidency while unemployment was at 7.1 percent? The answer is simple, Jimmy Carter was a Democrat, George Bush is a Republican. The Democrats claims are pure, unadulterated, partisan politics.

The Democrats maintain that there is enough money in the unemployment trust fund to pay for this bill. Unfortunately, Congress has already spent that money someplace else. If the bill before us today passes it will add to the deficit, and it will break the pay-as-you-go provisions in last year's budget agreement.

If we want to help the unemployed, let's give businesses the tools to hire them back, let's pass an economic growth package and not just pass along more government spending.

This class-warfare campaign tactic of the Democrats is always ugly, but it is especially distasteful when they play politics with the hopes and lives of those who have unfortunately lost their jobs in a recession brought on by Congress' insatiable appetite to spend.

#### BREAST CANCER AWARENESS MONTH

(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, October is Breast Cancer Awareness Month. But every day ought to be Breast Cancer Awareness Day.

Mr. Speaker, it is true that during the Vietnam war era we lost 50,000 men and women. During that same period we lost 330,000 women who died of breast cancer. One woman every 11 minutes finds out she has breast cancer.

So it is true that every year 45,000 women die of this disease, and yet we have not done what we should be doing comprehensively about this disease.

What should we be doing? Three things: We ought to have women understand the nature, and have their families understand the nature of the disease; we ought to have informed decision laws passed all over the country, including in this Congress, so that women are aware of their options of

treatment. The second thing we ought to do is really have every private and public policy have mammography coverage for women over 35. Women certainly ought to understand self-examination. But, Mr. Speaker, that is not enough. We should have a cure for breast cancer by increasing the research dollars. I only hope I do not have to get angry again when that bill comes to the floor relative to research.

□ 1300

#### THE HOUSE BANK SCANDAL

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

Mr. DOOLITTLE. Mr. Speaker, I would request that we have a full disclosure of the matter pertaining to the House Bank.

Mr. Speaker, I think we have seen a number of expressions of public concern about this matter. William Safire in the New York Times expressed the idea most significantly when he wrote in yesterday's editorial: "For a score of Representatives real money, and perhaps real crime, is involved \* \* \*."

Mr. Speaker, he is referring to the 24 Members who, without having sufficient funds in their accounts, wrote at least one check per month in the amount of \$1,000 or more. Although the House Bank was ultimately fully reimbursed, some Members waited up to 4 weeks before depositing sufficient funds into their accounts.

There is a taint on the membership of this House occasioned by this scandal. We can remove the taint by full disclosure. As Mr. Safire states in his commentary:

We are not talking about the inadvertent overdrafter who quickly corrected a mistake; at large are officials who willfully and frequently abused their privilege. All should be exposed. Some should be made to pay substantial taxes with penalties; a few deserve censure.

Mr. Speaker, I ask for full disclosure of the facts in this matter.

#### BREAST CANCER SCREENING SAFETY ACT

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

Mrs. LLOYD. Mr. Speaker, I am pleased to join with my friend and colleague, Congresswoman SCHROEDER in introducing today the Breast Cancer Screening Safety Act of 1991. This bill will establish Federal quality standards for mammography.

Currently, early detection of breast cancer remains women's best chance of survival. Mammography, an x ray of the breast, is currently the most effective detection measure as it can detect lumps which cannot be felt.

Unfortunately, the General Accounting Office [GAO] revealed wide variation in quality standards of mammography. These standards include image quality, radiation dose, using dedicated equipment, ensuring that only trained medical staff read the results, and directing proper oversight and regular inspections. These standards are vital because a mammogram is one of the most difficult images to read, requiring maximum clarity. The GAO found that failure to meet any one of these standards can compromise the quality of the results. This can result in an unnecessary mastectomy, delayed diagnosis, and even death.

The Breast Cancer Screening Safety Act of 1991 will require the Secretary of Health and Human Services to develop quality standards for all mammography facilities in the area of equipment, personnel, oversight, quality control, and enforcement.

Voluntary standards have not worked in this area. Less than 1 in 4 of the mammography units in this country currently meet the voluntary professional standards established by the American College of Radiology. Only 13 States have enacted quality assurance legislation.

This body began to ensure quality mammography by approving provisions in the Omnibus Reconciliation Act of 1990, which required the Secretary of Health and Human Services to establish minimum standards for mammography as a condition for Medicare reimbursement. These standards, however, have yet to be implemented and lack sufficient oversight and quality control.

The Breast Cancer Screening Safety Act would require the Secretary to develop national quality standards for all mammography facilities.

Certain women in this country deserve to know that the mammogram they seek is the highest quality technology that can be provided. Support the Breast Cancer Screening Safety Act.

I am submitting the following analysis of the legislation to be included in the RECORD.

#### ANALYSIS OF BREAST CANCER SCREENING SAFETY ACT OF 1991

Title.—The bill is entitled "Breast Cancer Screening Safety Act of 1991."

Certificate.—After December 31, 1993, no facility may conduct a mammogram without a certificate issued by the Secretary of the Department of Health and Human Services. Each certificate is valid for a period of 2 years and is renewable.

A facility must provide assurances that it meets the standards for quality in the areas of equipment, personnel, and quality control established by the Secretary in order to receive certificate. A facility may apply directly to the Secretary for a certificate, or if the facility is accredited by an approved accreditation body, the accreditation body may submit the application on behalf of the facility to the Secretary. The Secretary will prescribe the manner of applying for a certificate for facilities.

Examinations and Procedures: Certificates will be issued to facilities in order for facilities to operate equipment in performing mammography, interpretation of screenings, performance of needle localization, and for on-going quality control procedures.

Accreditation: A mammography facility may receive accreditation from an accreditation body that has been approved by the Secretary. The accreditation body may submit the application for certification on behalf of the facility. Accreditation bodies shall assist facilities in meeting—at a minimum—the quality standards established by the Secretary.

Accreditation bodies may inspect facilities on behalf of the Secretary to determine if the facilities are in compliance with the standards set by the Secretary.

The Secretary shall evaluate annually the performance of accreditation bodies. In the event that approval of an accreditation body is withdrawn, the certificate will remain in effect for 60 days following notice of withdrawal.

Federal Standards: The Secretary shall establish federal quality standards for mammography facilities, including quality of equipment and personnel. In developing standards, the Secretary shall consult with the American College of Radiology.

Certification of Personnel: The Secretary, by regulation, shall identify the organizations and boards that may certify individuals to perform radiological procedures, to interpret screening mammograms, and to inspect equipment. The Secretary will also establish qualification standards.

Inspections: The Secretary shall conduct inspections of certified facilities, announced or unannounced, at least once a year. Each facility shall maintain records of inspections for a minimum of 7 years.

Intermediate Sanctions: If the Secretary determines that a facility has not complied with federal standards, or if the approval of an accreditation body is withdrawn or revoked, the Secretary may impose intermediate sanctions. Such sanctions will be imposed not earlier than 90 days after notification of noncompliance with standards or withdrawal or revocation of accreditation approval.

Intermediate sanctions include a directed plan or correction; civil damages not to exceed \$10,000 for each failure or each day of noncompliance; or payment for the cost of onsite monitoring.

Suspension, Revocation, Limitation of Certificate: The Secretary may suspend, revoke, or limit a certificate, if after reasonable notice and opportunity for a hearing, the facility has misrepresented information, failed to comply with standards, failed to comply with the Secretary's requests, or has refused a reasonable request of a federal officer or of the Secretary.

Injunctions: If the Secretary determines that the activity of a facility constitutes a significant health hazard to the public, the Secretary may bring suit in federal district court to enjoin the continuation of that activity.

Appeals: An owner or operator of a facility may file an appeal in U.S. Court of Appeals for judicial review of the imposition of an intermediate sanction.

Criminal Sanctions: It will be a criminal offense to intentionally violate any provisions of this Act or accompanying regulations. Sanctions will include imprisonment for not more than one year, or in the event of a second offense, for not more than 3 years.

Fees: The Secretary shall require fees for certificates and inspection if they lead to a withdrawal of approval.

Information: No later than April 1, 1994 and annually thereafter, the Secretary will compile and make available to physicians and the general public information for evaluating facilities, including a list of facilities with revoked, suspended or limited certificates, those subject to sanctions, withdrawn or revoked accreditation.

State law: This Act shall not affect the power of any state to enact and enforce laws consistent with this Act. If a State enacts a more stringent law, the Secretary may exempt the facilities in that state with compliance with this Act.

Research Grants: The Secretary will make grants to entities to conduct research on new methods of establishing a Mammography Registry, including mammography images, physician reports, outcome and followup information. Grants may be used to improve methods of film duplication, archiving, access and confidentiality of data, and pilot testing.

Grant recipients must report to the Secretary results of studies and tests along with recommendations for establishing a Mammography Registry.

Information to Registry: The Secretary may require facilities to provide data to the Registry that will assist research of the causes, characteristics, prevalence of, and potential treatments for breast cancer.

Medicare: The Social Security Act will be amended so that screening mammography at a certificate facility complies with this Act.

#### MISPLACED OUTRAGE

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

Mr. LIVINGSTON. Mr. Speaker, some Members and former Members are outraged because their conversations with the Communist dictators of Nicaragua were allegedly overheard by the CIA.

Mr. Speaker, their outrage is misplaced. Would they have been upset if they had been taped speaking to Saddam Hussein last spring, or Adolph Hitler 50 years ago?

Mr. Speaker, the Sandinistas were a Communist revolutionary force hell-bent on enslaving Central America. If Members of Congress had their telephone conversations with them intercepted, tough stuff. If they want to assure the American people that they were doing nothing wrong, then they can waive the Privacy Act and make the transcripts public. We deserve no less than that, Mr. Speaker.

So, where is the investigation?

#### THE START OF NATIONAL BREAST CANCER AWARENESS MONTH—OCTOBER 1, 1991

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

Mrs. COLLINS of Illinois. Mr. Speaker, last week the House passed my legislation designating October 1991 as Na-

tional Breast Cancer Awareness Month. I want to mark the start of this month by reiterating just why we felt this particular commemorative was so important. First and foremost, breast cancer is the second leading cause of cancer death for American women and it is estimated that one of every nine women in our country will develop breast cancer at some point in her life. In light of these striking statistics, the House, the Senate and cancer advocacy groups nationwide have joined forces to set aside this month to call attention to the disease and stress the need for early detection and treatment.

While the spread of breast cancer and its mortality rate are distressing, there is hope for improvement. But to realize the potential for reversing the current trend, all women must be made aware that early detection is the key. Around the country this month, events are planned to raise our collective conscientiousness and encourage every woman to perform routine self-examination, have their physicians perform breast exams, and get mammograms. It has been medically proven that by detecting the breast cancer early, we can significantly reduce not only the mortality rate, but the devastating effects of the disease and its treatment.

It is my sincere hope that in a few short years, we will see the positive results of a series of National Breast Cancer Awareness Months in the form of a significant drop in the breast cancer mortality rate in this country and the world. After all, saving lives is what this commemorative is all about.

#### WHAT ARE WE TRYING TO HIDE?

(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, what are we trying to hide from the American people? What do we have to fear?

Mr. Speaker, release the names of those Members who have overdrawn their accounts at the House bank. Do this to remove the cloud of suspicion hanging over the heads of those of who have done nothing wrong.

Do this to restore confidence in this body. Do this because, as the American public knows and are letting us know, it is the right thing to do.

We owe it to ourselves to make public these records. We owe it to the integrity of this institution.

But most importantly, we owe it to the citizens who placed their trust in us by electing us to Congress.

#### CITIZENSHIP FOR SALE

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

Mr. TRAFICANT. The President has kicked off his domestic policy: Rich

foreigners will be allowed to invest \$1 million, and then they become American citizens.

Mr. Speaker, it is a twofold plan. No. 1, someone has to hire the 9 million laid-off American workers; and, No. 2, someone has to pay for a new batch of immigrants, 140,000 of them with 120,000 of them immediately going on welfare.

Now tell me, Mr. Speaker, how do we go home as Members of Congress and justify a President that will let in 120,000 people who are not even American citizens and give them welfare, but vetoes an unemployment compensation bill?

I say there should be a new verbiage written on the Statue of Liberty: Send us your rich, your entrepreneurs, your millionaires, and we'll send you our second-class citizens, formerly known as middle class.

#### WANNABE SECRETARIES OF STATE AIDED AND ABETTED THE SANDINISTAS

(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, I wish to express to you my concerns that some of the Members of this body apparently have been caught playing at being Secretary of State. Those of us who were in the Congress during the struggle for freedom in Nicaragua are not surprised at the revelations of the Democrats' Managua connection.

It was President Reagan's determination to resist the Soviet threat around the world, including such surrogates as Cuba and the Sandinistas of Nicaragua, that brought us victory over communism. Yet nowhere was his correct and courageous policy so opposed by people in this body who ought to have known better than in Nicaragua.

Some of our colleagues took their efforts to the extreme of providing advice and counsel to the Ortegas on how to defeat the policy of the U.S. Government. Not satisfied to hamstring this Government legislatively, these wannabe Secretaries of State gave help and comfort to the enemy—thereby aligning themselves with the same leftist totalitarians who have just gone down to defeat around the world.

The voters are entitled to know who these Members are, and I join my colleagues in demanding a thorough examination of the record on this matter. The reputation of this body requires us to establish which Members improperly and illegally aided and abetted the Sandinistas.

□ 1310

#### RTC REFORM AND ACCOUNTABILITY ACT

(Mr. COX of Illinois asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. COX of Illinois. Mr. Speaker, this week the Financial Institutions Subcommittee will consider legislation to provide the RTC with another \$80 billion from American taxpayers. In March, with great reservation, I voted to give the Corporation \$30 billion. At that time, I sent a loud message that I hoped the RTC would improve its performance.

Seven months later, I see no visible evidence of improvement. The RTC is sitting on 156 billion dollars' worth of assets acquired from failed savings and loan institutions—and now it's time to sell these assets. The RTC has not provided Congress with an audit for its 1990 operations—and now it is almost 1992. And further, managers that were once employed by fraudulent savings and loan institutions are now enjoying cushy jobs within the RTC—so it is time to abolish their level of comfort.

Last week my friend and colleague, JIM BACCHUS, and I introduced the RTC Reform and Accountability Act. Among other features, the bill will not give the RTC any further funding until the RTC quickens its pace and starts selling its massive asset inventory. It's time to prove we mean what we say, and provide the RTC with the proper incentives to clean up its act, and complete its task.

I will vote for no further funding for the RTC until we have a firm commitment that, this time, things will improve within the Corporation.

#### RELEASE INFORMATION ON MANAGUA SURPRISE

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

Mr. DELAY. Mr. Speaker, we must have the truth about the Democrats' Managua connection, in which we hear how some Members of this body were providing aid and counsel to the Marxist Sandinistas.

For one very important reason, especially: It seems obvious that these Members and/or their staff were operating on the basis of information that could only have come from privileged material in the possession of the Select Committee on Intelligence.

Now, rule XLVIII of the House of Representatives, governing the operation of the Permanent Select Committee on Intelligence, provides very clearly that classified information provided the Committee by the Intelligence Agencies may be shared only after a vote of the select committee. Further, records are kept detailing such disclosures.

A breach of this rule requires investigation by the Committee on Standards of Official Conduct. In both these cases we are talking about matters

that can't go unexamined. Further, we are dealing with a situation which will grow by leaps and bounds if we don't get the actual information out for scrutiny sooner rather than later.

I urge my colleagues to join in demanding that this information be released. If we do not, then it will be another example of how the Congress can't even play by its own rules. If we do, and we must, we will have the truth, to which our constituents are entitled.

#### RTC MUST BE HELD ACCOUNTABLE

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

Mr. BACCHUS. Mr. Speaker, everyone is weary of the savings and loan cleanup. The press is weary, the Congress is weary, the President is weary, and certainly the taxpayer's are weary. We cannot afford this weariness.

Yesterday I sat with members on the Select Committee on Children, Youth and Families, in a hearing room on the first floor of the Rayburn Building here in Washington. We listened as a parade of teenagers from around the country came before us to tell us all that they need in the way of programs for children and young people.

They told us there is no money for child nutrition programs or Head Start; they told us there is no money for drug treatment; they told us there is no money to help us prevent drop-outs from school; they told us there is no money for job training. Mr. Speaker, we heard an endless parade.

Tomorrow in that very same room I will sit with members on the Committee on Banking, Finance and Urban Affairs and deliberate over a request by the Resolution Trust Corporation for \$80 billion more from the taxpayers of this country. This is in addition to the \$80 billion they have already spent.

The gentleman from Illinois [Mr. COX] and I have introduced legislation that will for the first time make the Resolution Trust Corporation accountable for how they have spent these dollars. Through auditing requirements, through performance based financing, and through other reforms, we will at last get some accounting of how the RTC is spending this money.

Mr. Speaker, we cannot afford weariness on this issue. We must be diligent, we must be vigilant, and the gentleman from Illinois [Mr. COX] and I intend to be.

#### PASSIVE LOSS CORRECTION FOR REAL ESTATE

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

Mr. HOBSON. Mr. Speaker, as a realtor and former real estate developer, I rise today in strong support of the passive loss correction bill, introduced on June 11, 1991. I am one of more than 300 cosponsors of this important legislation.

This Congress has the opportunity to address the primary source of our troubled financial industry, and in a large part, our troubled economy. The collapse of the real estate market has been the largest force behind the near collapse of the savings and loan industry, a near collapse which has already cost the taxpayers \$100 billion, and, considering the \$745 billion in commercial mortgage debt still held by American banks, could potentially cost the taxpayer billions more.

The real estate industry has traditionally led our economy out of past recessions. However, since the 1986 Tax Act, this industry has been burdened by unfair taxes, and will remain so unless Congress acts to remove this handicap. We must adjust the 1986 Tax Act in order to halt the downward spiraling of nationwide property values.

H.R. 1414 does this by encouraging competent industry professionals to purchase and efficiently run rental properties, effectively keeping them out of the portfolios of our financial institutions. At the same time, it keeps intact the preventive measures set forth in the 1986 Tax Act.

Mr. Speaker, I strongly urge that this bill be enacted by this Congress.

#### THE REAL VICTIMS IN HAITI

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

Mr. HALL of Ohio. Mr. Speaker, the army is in charge again in Haiti. A military coup has removed President Aristide from power.

Earlier this summer, members of the Select Committee on Hunger visited Haiti. We met with President Aristide. We saw poverty that was overwhelming; people living in conditions that are unbelievable. President Aristide told us he was committed to changing those conditions. As the first democratically elected leader Haiti has had in a hundred years, Aristide should be returned to power immediately. In the meantime, I call upon the coup leaders to respect the fundamental human rights of the Haitian people, as required by international law.

Mr. Speaker, the people are the real victims of this coup. President Aristide has said, "When the people are hungry, I am hungry." Today, the Haitian people are hungry. Right now, Haiti is not just the poorest country in this hemisphere. It's not just the country with the highest infant mortality rate, or the lowest daily calorie intake. Haiti is the latest battlefield of democracy.

What's at stake is more than the Haiti presidency—it's the Haitian people, who've been robbed of their first elected leader, and of their democratic future.

#### SUPPORT BREAST CANCER SCREENING SAFETY ACT

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

Mrs. MORELLA. Mr. Speaker, I am pleased to join my colleagues who are speaking today in support of the Breast Cancer Screening Safety Act. This important legislation, introduced by my colleagues, Congresswomen SCHROEDER and LLOYD, would establish national quality standards for all mammography facilities and provide legal mechanisms to ensure their enforcement.

This bill is critical in view of the fact that only nine States have enacted quality assurance standards. A recent General Accounting Office report indicated that standards in mammography units vary widely, with less than one in four currently meeting the standards established by American College of Radiology. At a time when one in nine women in this country will develop breast cancer in their lifetimes, we must ensure that mammograms are of the highest quality. Early detection continues to be the best chance for survival.

October is Breast Cancer Awareness Month, and I also urge my colleagues to take this opportunity to cosponsor the Women's Health Equity Act, a package of bills to address the current gaps in research on women's health. It is critical that we work together for increased funding for breast cancer research, expanded health insurance coverage for mammograms, and quality breast cancer screening.

#### PROGRESS ON HUMAN RIGHTS NEEDED IN GUATEMALA

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

Mr. ATKINS. Mr. Speaker, this week, President Serrano of Guatemala is in the United States to discuss his Government's application for United States aid. In a pitch for assistance, he will attest to improvements in human rights. But what he won't tell us is that his is a government whose own judges are forced to flee the nation in fear of their lives. This is exactly what happened to Judge Roberto Lemus, who had to escape the country after receiving death threats. Guatemala is a nation where extrajudicial executions, disappearances, and torture continue unabated. In fact, by the Guatemalan Government's own admission, there

have been 116 confirmed disappearances and political killings this year alone.

Mr. Speaker, President Serrano has made a rhetorical commitment to human rights. But words are not equal to a real record of human rights. Before we consider sending aid to Guatemala, we ought to demand an end to the threats against human rights workers such as Amilcar Mendez and real progress toward solving the 172 cases of disappearances still under investigation. Whatever his good intentions President Serrano has not yet made this kind of progress, and he does not yet deserve our praise.

□ 1320

**PEACE DIVIDEND SAVINGS  
SHOULD BE USED FOR DEFICIT  
REDUCTION**

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

Mr. EWING. Mr. Speaker, like so many of my colleagues I praise the bold leadership President Bush has shown in reducing the nuclear threat which hangs over the world.

I am sure that many in this body spent this weekend thinking of new ways to spend any peace dividend money which might be available as a result of these defense reductions. Congress is very good at spending money. But I rise today to call on the Congress to put this money toward deficit reduction, not new spending.

Many of us speak about the need to address domestic concerns. There are few more pressing domestic problems than the monstrous budget deficit. Getting America's fiscal house in order ought to be a top priority for both the Congress and the President, before we drown in a sea of red ink. The savings from the defense budget present us with an opportunity to cut the deficit, and I say we ought to be doing just that, not finding new ways to spend this money.

We have an opportunity to do something about the deficit. I will support efforts to put any peace dividend toward deficit reduction and call on my colleagues to do the same.

**MORE REPRESSION IN EL  
SALVADOR**

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

Mr. ABERCROMBIE. Mr. Speaker, I rise to draw attention to yet another instance of the refusal of the military of El Salvador to respect the most elementary principles of human rights.

On July 28 of this year, four women and their driver connected with the Women's International Network for

Development and Democracy in El Salvador [WINDS] were abducted and held incommunicado for more than 30 hours by the Salvadoran Armed Forces in Cuscatlan.

These women broke no law, violated no orders. Yet they were terrorized by armed thugs trained and equipped by the United States. How many more incidents of this kind—and worse—will it take before we face up to our responsibility? How much longer will we play the role of mentors, paymasters, and supply store for killers and gangsters?

Enough. It is time, Mr. Speaker, to cut military aid to El Salvador until its armed forces evince some respect for international standards of common decency in the field of human rights.

In the case of the murdered Jesuit priests, the judge has announced he must flee the country.

The only way to support the negotiated peace settlements is to eliminate military aid.

**AMERICAN PUBLIC DESERVES  
MORE INFORMATION ON MEM-  
BERS' USE OF HOUSE BANK**

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

Mr. SANTORUM. Mr. Speaker, I get a lot of constituents calling my office complaining about the Internal Revenue Service. Would it not be nice if I could tell them, "All you have to do is tell the IRS that you are not going to make records available to them so they cannot investigate you?"

What am I talking about? I am talking about here in the House Bank. The Speaker of the House has determined that we are not going to make the records available to anybody to investigate.

Why would the IRS be interested one might ask? If we have, as the GAO report has indicated, Members borrowing basically thousands of dollars without paying interest on the money, that is imputed income and that is taxable income which should be available to the Internal Revenue Service to determine whether they owe any money to the Federal Government for using the money in the House Bank.

This is Federal tax dollars that are being used in this situation, tax dollars that should go into the IRS and into the Treasury.

Mr. Speaker, it is time. We stood here 5 days ago and asked for the release of the names. The American public is demanding it. Please do it.

**AMERICANS WANT GOOD JOBS**

(Mr. APPLLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLLEGATE. Mr. Speaker, President Bush does not like unem-

ployment compensation benefits, but then that is easy when one is born in the lap of luxury. He says jobs are the answer. If jobs are the answer, and I agree with him, why does he want to send them out of the country?

He wants to give China most-favored-nation status so as to allow slave labor products to come in. He wants to give it to Russia. He wants to give free access to our markets for cheap labor out of Mexico, and then he wants to continue to allow Japan to stop American products from going into Japan.

Then we continue to send more money to foreign countries to help them with their economy so that they can produce products to send into the United States.

Americans do want jobs, but they want good jobs, not minimum wage jobs. We cannot keep jobs and we cannot get them if we continue to give them away.

I must say this to you, Mr. President: That you better start listening to the people of this country about jobs and the economy or you are going to hear from them next year at the election polls. Then you will know what unemployment is, and you will know how to get down to collect your unemployment compensation.

**HOUSE MUST REGAIN  
CREDIBILITY**

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, over the weekend, an article appeared in my home town newspaper that said, "Riggs Says Bad Check Image Hurts."

I guess a headline tells the rest of the story because really what my concern is—that all of us in the House—and that includes the great majority of Members who did not take advantage or abuse the check-cashing convenience offered by the Sergeant of Arms Bank, are being painted by the same broad brush.

The article also quoted an anonymous Democratic House aide as saying that those of us who participated in the press conference last week, all Republican freshmen, were participating in a "typical grandstanding situation."

Let me point out to this anonymous and rather cynical Democratic aide that this is not a partisan witch hunt of any kind, that what is at stake here is nothing less than the credibility and the prestige and standing of this body with the American people as a self-polishing institution.

If we are to regain the credibility of the American people, we must be able to hold ourselves accountable and not look the other way.

The only way to put this issue behind is a prompt and complete disclosure so that all Members guilty of such abuses can be held accountable for the press

and the American voters to see. As we said last week, we strongly commend the Speaker for his action in implementing procedures to stop any further abuse, but that is only the first step of a two-part process. We must have those names. We must stop the stone wall.

#### A CALL FOR BETTER MANAGEMENT OF FORESTS JOBS AND HEALTH

(Mr. AUCOIN asked and was given permission to address the House for 1 minute.)

Mr. AUCOIN. Mr. Speaker, we have just received news that the Secretary of the Interior, Mr. Lujan, has accepted the Bureau of Land Management's request to convene a Cabinet-level endangered species committee on 44 timber sales in the Pacific Northwest.

In requesting "God squad review" the Interior Secretary has hardly solved the Northwest timber crisis, but he has put a lie to the contention of some politicians in Oregon that there is no place in the Endangered Species Act for people. That has been untrue in the past. That statement is untrue today, and Secretary Lujan has found the section in the Endangered Species Act which proves that it is untrue.

Whether or not it works, the God squad is no substitute for completed forest plans from owl recovery plans or allowing the Forest Service instead of the courts to manage our forests in the Pacific Northwest.

The administration track record on all of those counts leaves a lot to be desired. Oregonians are being torn apart by the powerful interests waging war over our public lands and our forests. So far we have seen absolutely nothing from the environmental President or from the pro-jobs President, when it comes to leadership on this issue, either for the environment or for the jobs from those forests.

A frantic yank on the emergency rip cord of the Endangered Species Act cannot and should not be a substitute for a sound, long-range forest policy which allows us to manage the forests for jobs and for forest health.

□ 1330

#### RESOLUTION CALLING FOR PROMPT WITHDRAWAL OF SOVIET TROOPS FROM BALTIC STATES

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

Mr. PACKARD. Mr. Speaker, today I will introduce a resolution to call upon the Soviet Union to begin immediate negotiations with the leaders of Estonia, Lithuania, and Latvia for the prompt withdrawal of Soviet troops from the Baltic States.

Almost 1 month has passed since the Soviet Government officially recognized the rightful independence of the Baltic States. Yet the Soviets have not even begun negotiations for the withdrawal of over 100,000 Soviet troops that remain within Baltic borders. Although the power of the vast Soviet Army has diminished in the wake of the failed coup, the continued presence of Soviet troops threatens the place and independence of the Baltic States.

I urge my colleagues to join with me and cosign my resolution to call for the withdrawal of Soviet troops from the three Baltic States.

#### THE SAD DEFEAT OF DEMOCRACY IN HAITI

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

Mr. SMITH of Florida. Mr. Speaker, yesterday was a very sad day for democracy in this world. The President of the United States has tried to convince everyone that he is for a new world order and wants to see democracy flourish everywhere.

Yesterday he had an opportunity to demonstrate that he would be willing to stand up in this hemisphere for democracy and he failed the test. He was in Disney World yesterday, and then he was in Miami, as close as he could get to Haiti. He never said a word, not a word, while the Haitian democracy, the first duly elected democratic President of Haiti was being forcibly removed from office by a military coup. Not a word in any of his speeches. All he would bring himself to say was that we need to pass a capital gains reduction. That is what he was interested in yesterday, not in democracy being humbled, taken to its knees and removed off the face of the Earth.

A word from the President, a move of some soldiers to protect the Presidential palace in Haiti. No combat. Today the President of Haiti, Mr. Aristide, would still be in power, and we would have a democracy in that poor, terribly distressed country. But no, not the Secretary of State, not the President, nobody, Mr. Speaker, was willing to stand up yesterday for Haiti, a democracy that we have helped create.

This is truly a sad day. One of those points of light, Mr. President, went out yesterday.

#### STRANGE RHETORIC ON AMERICAN AID

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

Mr. SOLOMON. That was a rather strange statement coming from our colleague from Florida, especially

when I believe he voted against giving our President the authority to go into the Persian Gulf to establish a democracy there. A very strange statement indeed.

Let me just say concerning some of the other statements that have come from that side of the aisle about President Bush giving away our tax dollars to foreign countries, we are going to have a bill before this House this week. It is called the foreign aid bill. It is the massive giveaway bill where we are going to give away 25 billion of the taxpayers' money. With all of the rhetoric that has come out of that side of the aisle, I want to see how they are going to vote on that bill. I am going to vote against it.

There is going to be another bill coming later this year or early next year which is a \$10 billion loan guarantee for Israel. Another giveaway. Then there is going to be another one sometime this year giving away \$10 billion for IMF. I want to see how all of you on that side of the aisle are going to vote for these \$40 billion giveaways.

What rhetoric.

#### NATIONAL SECURITY EDUCATION ACT

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

Mr. DARDEN. Mr. Speaker, today I am introducing companion legislation to that introduced in the other body by Senators BOREN, NUNN, and WARNER. This bill, the National Security Education Act, is a significant step toward ensuring that America's youth become competitive in language, area, and international studies necessary for maintaining a strong national defense.

This legislation would create graduate fellowships in critical foreign language, and international studies. It would provide grants to universities to organize, maintain, and improve international and area studies and foreign language programs. And, by providing scholarships for undergraduate students to study abroad in important countries that are currently neglected, it will expose our talented young people to the economic, cultural, and military challenges that face America in the 21st century.

Mr. Speaker, our world has changed, not only in the last year, but even more significantly, in the last month. America must be ready to capitalize on these changes. Now, especially, our progress depends upon our ability to compete effectively in the international arena. To improve our economic position both domestically and abroad, and also to maintain our position as the world's democratic leader, Americans must learn foreign languages and customs. This legislation creates a program to do just that.

I have no claim of authorship of this legislation. It is identical to that of Senator BOREN. However, I believe it is essential that this House seriously consider this legislation and I urge your support.

#### DEFENSE LETS JAPANESE GET AMERICAN COMPANY

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

Mrs. BENTLEY. Mr. Speaker, 1 year ago today I spoke to you about Salvatore Monte, president of Kenrich Petrochemicals, Inc., of Bayonne, N.J. At that time I told the story of Sal's longstanding fight with the Japanese over trademarks and royalties for his remarkable work in a new field of chemistry.

It distresses me to have to say today that the Japanese are winning the fight because our own Defense Department does not care whether Americans or Japanese own the 26 Kenrich patents for products used in safe munitions, stronger steel, stealth technology, and many more areas. To take claim to the patents, the Japanese went so far as to buy the bank where Sal had placed the patents as collateral for a loan—and then began the squeeze play on his account. DOD has declared Kenrich products critical for the national defense but has been unwilling to step in and save the company for the country.

One statement from DOD was "what difference does it make if the Japanese own the patents" and another "if the Japanese own the patents we will just pay them for their use." It is a good thing that the Defense Department did not have this attitude 50 years ago when we were attacked at Pearl Harbor.

#### THE MILITARY COUP IN HAITI

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

Mr. EMERSON. Mr. Speaker, there has been a setback for democracy. Haiti's Government, elected by its people for the first time in 200 years, has been forced out in a bloody military coup.

Earlier this year, I had the privilege of meeting with President Aristide. I was impressed with his compassion and his concern for the people of Haiti. He was committed to making their lives better. And they were committed to him.

Jean Bertrand Aristide came into power in a way unprecedented in Haiti's history—he was elected by an overwhelming majority. But he has gone out the old way—with the barrel of a gun at his back.

The Select Committee on Hunger travels periodically to greatly troubled

places. We meet with all sorts of leaders. Too often, it's with leaders who are reluctant to take responsibility for the needs of their people. Chairman HALL, Congressman WHEAT and I met with President Aristide several months ago. President Aristide was different. He put the needs of his people first. His priorities were justice, food, and work. That's what the select committee likes to hear, Mr. Speaker. But we don't hear it enough.

We had hoped to invite President Aristide to America, to meet with the leaders of this House, because we believed him to be the kind of leader who could join in the new world order to help his people out of hunger and poverty. Haiti's future should be in the hands of people like President Aristide, whose honesty and compassion earned him the people's votes and supportive sentiments.

□ 1340

#### CHIN UP, PRESS ON

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

Mr. DORNAN of California. Mr. Speaker, this is October 1. The situation is not too bad on appropriation bills. Three have gone to the White House out of 13. We have Defense and the foreign aid bill not yet in conference. All the rest are in conference.

We have passed one of those Mussolini continuing resolutions that buys us time until October 29.

Things are bad in Haiti. Ireland is not yet reunited. Kazakhstan has hundreds of nuclear-tipped missiles pointed at us still. Ukraine has over 1,000 nuclear-tipped missiles pointed at us.

Things are desperate, but, folks, 50 years ago on October 1, the world had been at war 2 years and 1 month. We were about to join that war in 2 months and a week, and 55 million people were to die fighting fascism, and it had a more imperfect ending than Desert Storm, because communism continued to kill at a rate beyond Adolf Hitler's death toll.

Our Postal Service came out with a sheet of stamps that is a fascinating reminder about how bad it was 50 years ago compared to whatever we face today. It says, "1941, a world at war." There is Roosevelt and Churchill. There is our maneuvers. There is Pearl Harbor in flames.

I would recommend that Members get this, look at it carefully, and then think to yourselves: "Things are not so bad. Chin up, press on."

#### KEEP NATIONAL AEROSPACE PLANE PROJECT ALIVE

(Mr. ROHRBACHER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. ROHRBACHER. Mr. Speaker, the aerospace industry is America's No. 1 exporting manufacturing industry, and we are under great attack now to keep this the most competitive and high-technology aerospace industry in the world.

This is because we are cutting back on defense as the cold war ends, and that is understandable.

But there is a project that has been quietly taking place, a research project being financed by the Federal Government, that is imperative to a healthy aerospace industry in the next century. It is called the national aerospace plane, which will make possible taking off from a runway and flying directly into space, which will dramatically bring down the cost of putting things into orbit.

The aerospace plane program, the future of the aerospace industry, is in jeopardy. It may be canceled by this Congress. If that happens, we will be handing to the Japanese the aerospace industry of the future. We will be taking research that we have spent billions of dollars on and basically handing it to the Japanese on a silver platter and saying, "You will be the dominant power in aerospace in the next century."

Let us save America's aerospace industry. Let us keep the national aerospace plane project alive.

#### SUPPORT DECENNIAL CENSUS IMPROVEMENT ACT OF 1991

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

Mr. McNULTY. Mr. Speaker, I rise today to encourage my colleagues to support H.R. 3280, the Decennial Census Improvement Act of 1991. This legislation would provide for a study to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population.

In the 1990 census, approximately 5.2 million Americans were not counted, with my home State of New York accounting for approximately 314,000 of this figure. Unfortunately, those groups that can least afford it—minorities and the homeless—suffered the brunt of this injustice, with approximately 1.5 million African-Americans, 1.2 million Hispanics, 200,000 Asian-Americans, and nearly 100,000 native-Americans overlooked in the final census count.

Mr. Speaker, the 1990 census was unprecedented in that it was the very first time an undercount has measurably worsened from one census to the next. To prevent this from recurring, I encourage my colleagues to support and pass H.R. 3280.

CONFERENCE REPORT ON S. 1722,  
EMERGENCY UNEMPLOYMENT  
COMPENSATION ACT OF 1991

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

*Resolved*, upon adoption of this resolution it shall be in order to consider the conference report on the bill (S. 1722) to provide emergency unemployment compensation, and for other purposes. All points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

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

Mr. Speaker, during consideration of this resolution, all time yielded is for purposes of debate only.

Mr. BONIOR. Mr. Speaker, recently I received a letter from a constituent of mine from Mount Clemens, MI. He had lost his job, and his unemployment benefits had run out.

Listen to what he has had to say about his family:

We are educated people. I have an electrical engineering degree.

To serve my country, I did a tour in Vietnam. Now I need help. With a wife and three children, we are living with shattered dreams and fright from day to day. My savings are gone, and we may soon have to put the home we worked 18 years for on the market. Is there any hope in sight?

□ 1350

Mr. Speaker, I would like to say to my constituent that there is help on the way.

Mr. Speaker, since this matter came to the floor last July, we have had only delays, irrelevant objections, parliamentary tricks, veto threats designed to bludgeon us into a compromise, and when it comes to helping people who are out of work this administration stalls more than a junkyard Hyundai. They do not care about Americans.

I am thinking about Mr. Darman who said the recession ended in May. I am thinking about Mr. Brady, who said this recession was no big deal.

You know, my colleague, the gentleman from Georgia, the distinguished minority whip, talks about the need for economic growth. Of course, he is right. Under this administration growth has been the slowest of any administration since the Second World War.

And what about jobs? Remember the famous pledge by President Bush, 30

and 8 he said. We will be able to produce 30 million jobs in 8 years. Well, where are the jobs?

I ask my pro-growth colleagues on the other side of the aisle, where are these jobs?

The fact is this administration has the worst record on job creation since the Second World War. President Jimmy Carter created 209,000 new jobs a month. Under Reagan, we had 175,000 new jobs a month. Under Johnson, 137,000 new jobs a month. Under Eisenhower, we even got 43,000 jobs a month.

This administration is losing 9,400 jobs a month, 300,000 jobs so far, behind Eisenhower, behind Kennedy, behind Johnson, behind Ford, behind Carter, behind Reagan, 30.8 million. We would like to see one job, just one job.

Here is the irony. This is a middle class recession. Look at the news just this week in your paper today. The State of Maryland sent out 1,700 layoff notices Monday. In the District of Columbia, the mayor begins cutting 620 jobs from the city payroll.

I hope my distinguished counterpart, the minority whip, noticed that the University of Georgia laid off 120 workers yesterday, and in Oxford, GA, Hercules is cutting 250 jobs.

This recession is not over. It is not over there. Ford is shutting down in Lorain, OH, their plant in Lorain, because sales are slow.

The auto industry is in a terrible, terrible recession.

Kodak has laid off 1,800 workers. Frito Lay has laid off 1,800 workers. Dupont cut 2,200 jobs.

The people, Mr. Speaker, that we are talking about are not welfare queens of Ronald Reagan's imagination. These are people who have worked hard to build America. They are getting up early, punching in, lunch at the desk, volunteering for overtime, working second jobs kind of people. How can the President turn his back on these people? They are the backbone of this country.

Oh, the other side says, well, we have to pay for these benefits, but this only perpetuates the same exercise in myth-making hoax we have been listening to all month from them.

We asked the CBO to examine the alternative offer by the other side just last week. They found the funding mechanisms so nebulous that it was impossible to even estimate how much money was raised.

Last week on the floor the gentleman from Georgia and the gentleman from New York argued that their bill would not require the President to declare an emergency.

Read the bill, we said to them. I hope they found time now to read it.

The CBO says there is no dispute. Title 6 in their bill requires the President to do what he has already said he would do.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. BONIOR. When I am done, I will yield, Mr. Speaker.

The CBO says there was a dispute. The CBO bill requires the President to do what he has already refused to do, declare an emergency.

POINT OF ORDER

Mr. SOLOMON. A point of order, Mr. Speaker.

Mr. BONIOR. Regular order, Mr. Speaker.

Mr. SOLOMON. Point of order, Mr. Speaker.

Mr. BONIOR. Mr. Speaker, I ask for regular order. There is no point of order. I am making a speech.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York has made a point of order, and he is entitled to his point of order. The Chair will certainly respect the gentleman's wishes, but the Chair thinks the gentleman is entitled to a point of order. It should be addressed to the Chair.

The gentleman may state his point of order.

Mr. SOLOMON. Mr. Speaker, I am addressing it to the Chair.

I previously had respectfully asked the gentleman if he would yield for a parliamentary inquiry, and he chose not to.

Therefore, I would lay my point of order before the Chair and ask permission to explain the point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SOLOMON. Again, Mr. Speaker, I apologize to the gentleman. I have great respect for him; but Mr. Speaker, I make a point of order that the gentleman's remarks are not relevant to the subject at hand, namely, the rule on the conference report on S. 1722 and are, therefore, in violation of House Rule 14, which states:

When any Member desires to speak or deliver any matter to the House, he shall confine himself to the question under debate.

Mr. Speaker, I would make that point of order.

Mr. BONIOR. Mr. Speaker, the question under debate here is unemployment and people out of work in the gentleman's district and the district of the gentleman from Georgia and people all across this country. If we are going to have continued dawdling, delaying tactics like that, we are not going to be able to debate one of the most fundamental issues that faces this country today.

It is this type of activity, Mr. Speaker, it is this type of tactic, it is this type of delay that is taking away from people the right for an education, the right to feed their families, the right to pay their mortgages.

The objection by the gentleman from New York is unconscionable, given the light of the importance of this issue.

Mr. SOLOMON. Mr. Speaker, may I have a ruling?

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will rule and make a statement. The rule is that debate should be confined to the merits of the rule and to the conference report made in order by the rule.

Mr. SOLOMON. Mr. Speaker, if I may continue to be recognized, I just want to thank the Chair for this very helpful ruling. I intend to take full advantage of it when it is my turn to speak. I was hoping the Chair would rule that way, because we really do want to get into and discuss this, and I did not want to be ruled out of order.

I thank the Chair.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized.

Mr. BONIOR. Mr. Speaker, my colleagues have seen and the American people have seen what has taken place here over the last several months.

My colleagues on the other side of the aisle do not want to face this issue, do not want to face the fact that we have literally 10 million people, hard-working people who through no fault of their own have been put out of work. We have a bill to take care of their needs. We have a bill to provide them with extended unemployment benefits until we can get this economy moving again, this economy that is in terrible decline, no growth, no jobs, the worst recession we have had in a number of years, and we continue to see tactics of delay, tactics of parliamentary maneuvers not to get this issue before the President of the United States.

Well, Mr. Speaker, we are going to get it before the President of the United States. We are going to do it within a short period of time.

Mr. Speaker, I want to further elaborate on my remarks on their alternative. The other side overlooks the fact that these benefits are already paid for. They have been paid for by insurance premiums taken out of the paychecks each month and put into a trust fund, set aside exactly for this purpose. People have had money taken out of their paychecks over the years in case of emergencies like this. The money is there. It is there for this purpose. Families all over America need it and they deserve it.

Now, are we so bereft of resources that we cannot help them? Are my friends on the other side of the aisle so dazzled by emergencies in Kurdistan or Turkey or the Soviet Union or Bangladesh that they are blind to the emergencies of our own people right here at home?

Mr. Speaker, no more delays, no more phony alternatives, no more options riddled with loopholes like the other side offered last week.

My constituents ask if there is hope in sight. I want to tell that man who served in Vietnam, with a wife, who

has worked hard all his life, that he is going to get some help, that he is not going to lose his home, that his kids are going to have an opportunity for a future in education.

Let us give him and the millions like him more hope. Let us give them some help. They have earned it. They have paid for it. It is heartless to keep it from them any longer.

Mr. Speaker, this is the issue that divides the Democrats from the Republicans. This is the issue that cuts at who we are and who they are. This is the issue that the American people want us to address today.

□ 1400

And the insensitivity and the callousness of the other side on this issue speaks to that difference.

Mr. Speaker, we are giving the President a second chance to do what he should have done in July. And I ask the President to use his second chance to give hard-working Americans a second chance as well.

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

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

Mr. Speaker, I am a little amazed that the gentleman from Michigan would use time on this conference report rule to discuss our alternative legislation, H.R. 3400; but since he is so anxious to debate that matter, I have sent to the desk an amendment to the rule that would make that bill in order under an amendment process immediately following the disposition of the rule.

#### PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. MONTGOMERY). Will the gentleman from New York yield for a parliamentary inquiry?

Mr. SOLOMON. Mr. Speaker, I would, respectfully. The gentleman did not do so for me, but I would yield to the gentleman.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, when I took the time and was given time by the Chair on the rule, I yielded for purposes of debate only and not for purposes of amendment. I think that is clear in my opening statement. I would ask the gentleman from New York to recognize that fact, and I ask for a ruling.

Mr. SOLOMON. I would recognize it. Mr. Speaker, I would ask unanimous consent that my amendment be considered at this time, which is an appropriate unanimous-consent request.

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

Mr. BONIOR. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair hears an objection.

The gentleman from New York [Mr. SOLOMON] has the time.

Mr. SOLOMON. I thank the Speaker. If I may continue on my time, I thank the Speaker.

Mr. Speaker, apparently the gentleman wishes to have it both ways. He wants to debate a bill which he does not want to consider on the floor of the House. That is probably why he voted against our attempt last week to have it made in order following House action on this bill and why the Committee on Rules has repeatedly turned down our efforts to have an open rule and to make other amendments in order.

Mr. Speaker, since the Chair did not rule the gentleman out of order in discussing a bill that is not germane to the pending conference report, I assume that I may respond to this specific comment on the CBO cost estimate, and I would do so at this time.

First, I would point out that the conference report that the gentleman now supports would spend close to \$6 billion and yet it would not raise one plugged nickel to pay for it.

For the gentleman to criticize the Republican bill because all of the receipts will not come into the Treasury during fiscal 1992 is disingenuous at best, even if the pay-as-you-go amendment offered to H.R. 3040 by the chairman of the Committee on Ways and Means did not kick on the tax side until 1993, a year after the expenditures began to take place. But the gentleman from Michigan, who now poses as a great stickler for pay-as-you-go rules, did not seem to be concerned about that time lag then. In fact, he voted against the Rostenkowski pay-as-you-go amendment.

The fact is, Mr. Speaker, the Republican unemployment insurance bill would bring in money enough in revenues in fiscal 1992 and in 1993 to cover the cost of this bill because although under our bill receipts may fall a little short of costs in fiscal 1992, they would exceed total costs by fiscal year 1993. Therefore, we have retained the emergency designation which Members are trying so hard to do here. This is necessary to prevent a sequester in the first year and to prevent the extra revenues from being spent in the second year. You all understand that. Those excess receipts should go toward deficit reduction and not toward new spending schemes.

Mr. Speaker, while I have been critical of the ambivalence of the gentleman from Michigan toward the Republican legislation and his reluctance to consider a bill which he is anxious to selectively debate, I am delighted that he is beginning to realize that there is a need to compromise and discuss legislation that can be signed into law.

At least, Mr. Speaker, there is light at the end of the tunnel.

Mr. Speaker, by my count, this is the fourth rule we have reported on unem-

ployment insurance legislation this session, and I suspect it will not be the last.

This particular rule provides for House consideration of the conference report on S. 1722. And like all the other rules we have had, it waives all point of order for failure to comply with any rule of the House on any provision of the Budget Act.

Mr. Speaker, blanket waivers of House rules and budget enforcement provisions really go the heart of what this is all about. And it is not some minor, nitpicking procedural point we are talking about here today.

What that blanket waiver says is that you Democrats are willing to lay aside all the established rules of this House, including the budget enforcement agreement reached last fall, in order to have a political issue instead of a bill that can be signed into law.

That is the same budget agreement under which Democrats voted for the biggest tax increase in history. Democrats promised the American people they would live by that budget agreement.

Well, my colleagues, here we go again.

This rule and all the previous ones say loud and clear, "Damn the torpedoes, damn the budget agreement, damn the taxpayers, full speed ahead," to more and more deficit spending adding even more to this year's deficit of \$350 billion. That, my colleagues, is even greater than all the money we spend in 1 year on the defense budget.

What the Democrats do not say directly but what everyone knows is that the Democrats have intentionally charted a collision course with the administration instead of wisely crafting an acceptable bill that could and would be signed into law today. Mr. Speaker and Members, the biggest victims of this crash course are not the Democrats, they are not the Republicans, they are not the President of the United States and they are not this Congress; they are the victims, the unemployed who could be getting extended benefits now if we just passed a pay-as-you-go bill that the President would gladly sign.

In closing, let me say, members, we all know that a few minutes ago the other body failed to pass this conference report by the two-thirds vote necessary to override a veto. Do you all know that? Therefore, each of you know that this bill will not become law. You know and, more importantly, your constituents will know that you Democrats, by passing this dead bill in an attempt to politicize the unemployment issue, are deliberately delaying unemployment checks from reaching the unemployed. If Democrats really want an extended benefit bill that will start the checks flowing immediately, they can vote down this rule so that both houses can take up and pass the

compromise Dole-Michel-Solomon-Gingrich extended benefits bill. The President will sign it. And this Congress will get back to work on an economic growth package that will create not unemployment checks but paychecks for all our constituents. For God's sake, vote down this rule and let us get to work for the American people.

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

Mr. BONIOR. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman from yielding.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER], a very respected Member of the House.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, am I correct that if we pass this bill that is before us—and I know that the gentleman does not like it and he has an alternative too—but notwithstanding the fact that it did not get two-thirds vote in the Senate, and it goes to the President and he signs it, under those circumstances will the unemployed get extended benefits, those who have run out of benefits?

Mr. SOLOMON. No, he will not, and the reason he will not is because we are going to have to start this process all over again 3 weeks from now. We will have brought up the fourth, fifth, sixth, seventh bill to the floor.

Mr. HOYER. The gentleman from New York perhaps did not hear my question.

Mr. SOLOMON. Why don't you agree to the compromise? They get their benefits if you agree to the compromise.

Mr. HOYER. If the President signs this bill, will the unemployed get benefits, those who have now run out of benefits? I understand what the gentleman is saying. I understand the gentleman's hypothesis.

Mr. SOLOMON. The gentleman knows the President will not sign the bill, he cannot sign it.

Mr. HOYER. If he signs it, would they get relief, if he signed it?

Mr. BONIOR. Mr. Speaker, reclaiming my time, the answer to the question of the gentleman from Maryland is obvious: Yes, they will get benefits if he signs the bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. LEWIS], the chief deputy whip.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to support the rule. I rise because the Emergency Unemployment Compensation Act is needed now more than ever before.

Mr. Speaker, I was in my district last weekend. While walking in downtown Atlanta, a young businessman came up to me and said:

Mr. Lewis, when you get back to Washington, please tell your colleagues in the Congress that the recession is not over.

Yes, the recession is not over. In the State of Georgia between January and August of this year, more than 76,000 people exhausted all of their unemployment benefits. During the month of July alone, 13,000 workers exhausted their benefits.

We have an opportunity to help the American people. We have an opportunity to extend a helping hand in time of need to that segment of our work force which is out of work. This legislation will provide much needed help to the hardest hit victims of the recession.

Mr. Speaker, our President needs to come home—come home and pay attention to the hurt and the pain of the American people. Instead of putting the needs of foreign nations ahead of the United States, he should begin to deal with the pain and agony of our own people.

By passing this bill, we will be acknowledging that there is real misery, real pain and real suffering, and we want to do something about it.

Mr. Speaker, the President needs to know that the American people are crying out and demanding leadership. Jobless Americans want help—not next year, not next month, not next week, but now.

Mr. Speaker, I urge my colleagues to support the rule, pass the bill and let us send it to the President's desk with more than all deliberate speed.

□ 1410

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the honorable whip, the gentleman from Georgia [Mr. GINGRICH], who has a plan that will put Americans back to work if we could only vote on it.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding.

Let me say, first of all, that we are back once again at the soap opera of Democratic desperation. The Democratic leadership knows, as we sit here today, that their bill will be vetoed and the veto will be sustained in the other body. They know that. This is not a theory; they know that. Therefore, the Democratic leadership knows that their bill will not produce a single check to the unemployed. They know that.

So, Mr. Speaker, we are in a situation where, even though they know the President will veto the bill, they know that not a single check will go out, we are going to hear a number of speeches today about how urgent it is, how vital it is, how immediately we must get checks out, and let me say this:

The Democratic leadership also knows that the Dole-Michel unemployment bill would extend unemployment checks for 10 weeks and would be signed by the President, and so the unemployed would actually get real checks. They would not just get press

releases. They would not just get speeches. They would get 10 additional weeks of checks. The Dole-Michel unemployment bill, unlike the Democratic bill, pays for the unemployment checks, meets the budget agreement, and keeps the Congress' word with the President of the United States.

Mr. Speaker, the Democratic leadership knows these facts. So, if the Democratic leadership really cared about the unemployed rather than the politics, if the Democratic leadership really wanted the unemployed to get checks, they could bring up the Dole-Michel unemployment bill. We would pass it with a huge bipartisan majority, and President Bush would sign it, and, by the end of this week, unemployment checks would be going to precisely the people the gentleman from Georgia [Mr. LEWIS], my good friend, just described.

But beyond the immediate problem of getting checks to the long-term unemployed, and it is a real problem, and we should pass a signable bill and have those checks going out; beyond that problem the real answer to unemployment in America is employment. The real answer to the concern of people who do not have a job is to create a job, and for week, after week, my good friend, the gentleman from New York [Mr. SOLOMON], the ranking Republican on the Committee on Rules, has been asking the Committee on Rules to make in order the Economic Growth Act.

Mr. Speaker, the Economic Growth Act is a bill that Senator PHIL GRAMM and I have introduced. Economists estimate it would create 1,200,000 new jobs. It would lead to 220,000 additional home sales a year. It would do precisely the things we need to do to have the kind of economic growth to create the employment so the unemployed could look beyond the next check to actually going back to work, to having a chance to make a decent living.

I find it astonishing that the Democratic leadership has for over a month now refused again and again every request to make in order an economic growth bill. I find it hard to understand. We have been engaged in this debate, and I believe the first time I went up to see the Committee on Rules was over 10 weeks ago. So, for 10 weeks we could have been creating jobs. For 10 weeks we could have been doing the right thing for Americans to put Americans back to work, and for the life of me I cannot understand why the Democratic leadership refuses to make in order economic growth and why the Democratic leadership insists on being in a position of deliberately passing a bill they know will be vetoed and blocking the bill that would in fact create jobs.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my friend, for yielding to me.

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

Mr. Speaker, the answer to the questions of the gentleman from Georgia [Mr. GINGRICH] are quite obvious.

Mr. Speaker, this administration has the worst growth record since the Second World War. We are losing 9,400 jobs a month. We lost 300,000 jobs recently in this country. They have a terrible job-creating record.

The gentleman talks about his growth package. He did not tell my colleagues how much it would cost. The Joint Committee on Taxation estimates a 5-year cost of \$20 billion for his program. I ask, "Where are you going to get the money, Mr. Whip?"

The point here, Mr. Speaker, is that they have no program. What they have offered is a fraud. The Michel-Solomon, whatever they call that thing he wants to sell; wants to sell air wave frequencies to take care of the unemployed who have already put money aside for it. It is a fraud. It is already there, the money that they paid for through negotiations and through their employer. The question here is what is real and what is not.

Mr. Speaker, what is real is that we have a bill that we will send to the President, and, if he signs it, people will get help.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I would observe to my colleagues that only in the Land of Oz or in the mind of a rightwing Republican must Democrats bear the blame for a President who is prepared to veto a bill that the vast majority of Members, in this House, and in the other body, support.

It is true, as the gentleman from Georgia pointed out, that there were not enough votes in the other body in this last vote to override a veto. But there is one other opportunity for some of our Republican colleagues in the other body to reassess their vote.

On Friday, the numbers about who is and who is not unemployed in this country will come out again, and I am afraid those numbers are going to have bad tidings for this country, that more workers will be out of work, and then possibly on reflection some of our Senate colleagues might decide to reassess their vote and override, if that is what the President chooses to do.

Let me make a point about the most recent entry into the unemployment sweepstakes, the Dole-Michel alternative. I have worked for 3 years as the acting chairman on the Committee on Ways and Means' Subcommittee on Human Resources and Unemployment. Not one time in 3 years, not one time in the deliberations in this body, have our Republican friends shown up with an alternative. The only time they came up with an alternative was when they realized the level of pain and suf-

fering in this country and they needed to have some political cover so that they could say they were for extended benefits as well.

Mr. Speaker, Democrats, Independents and, yes, Mr. Speaker, even Republicans are out of work.

I did something I do not normally do in my district. It is always a hazard politically to get introduced at a sporting event. But I did, and I was waiting for the usual tepid applause or the chorus of boos that accompanies a politician being recognized at a high school sporting event. But what happened in Copiague, Long Island, was truly astonishing. As I walked out on the field, people yelled, "Pass the unemployment bill, Congressman. I need your help. Pass the bill."

On the Delta shuttle back to Long Island the flight attendant leaned over to me, and she said, "What are the chances of passing your bill? I'm from Huntington, Long Island, and my husband is a pilot, and he has exhausted his benefits. He needs your help. He needs your bill."

We need to see unemployment benefits extended, Mr. Speaker, and I would hope you would pass this message on to the President: "You're a decent man, Mr. President. Hear what these people are telling you around the country. Feel their pain. See their suffering. Put aside the question of partisanship. Put aside the issue of how you feel so strongly about the Budget Act of 1990, and recognize one plain and simple fact: That the people who elected you President of the United States need your help."

□ 1420

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. SHAYS], who will yield to the gentleman from Georgia.

Mr. SHAYS. Mr. Speaker, I yield to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I just want to answer the distinguished whip on the other side on two levels.

First of all, President Bush asked the Congress to pass an economic growth bill in 1989; the Democratic leadership killed it. President Bush asked for economic growth measures in the budget negotiations of 1990; the Democratic leadership killed it. President Bush asked for economic growth measures in the State of the Union in 1991; the Democratic leadership has blocked it.

The Gramm-Gingrich bill, according to Treasury, is revenue neutral. It is only by the weird, bizarre scoring of the Joint Committee on Taxation, which I think frankly ought to be abolished as an intellectually obsolete, medieval institution, that you would argue there are no behavioral changes. Every economist in the private sector knows that if you have an IRA for every American, you will increase sav-

ings and lower interest rates. If you have a capital gains tax cut, you will increase investment and create jobs. It is only in the leftwing-dominated Joint Committee on Taxation, which has a Jimmy Carter Treasury official as its head, that you would have the kind of bizarre scoring the Democratic whip has suggested.

So I think the record is clear. The Democrats in Congress have consistently killed economic growth measures that for 3 years in a row the President of the United States has asked for.

Mr. BONIOR. Mr. Speaker, will the gentleman from Connecticut yield? I will give him more time if he needs it.

Mr. SHAYS. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I will tell my friend, the gentleman from Georgia, my friend, the gentleman from Connecticut, and my friend, the gentleman from New York, that if the President asks again for an economic growth packet of capital gains without taking care of the middle class in this country, we will block it again.

Mr. SHAYS. Mr. Speaker, I know that my colleague has said he would give me time if I need it, and I thank him for that.

Mr. Speaker, I rise to oppose this rule. I remember well last year that Congress and the White House worked very hard to come to a budget agreement. There was great gnashing of teeth. I looked at this agreement last year, and I said, "Is this the best we can do?"

I was not prepared to vote for it. I wanted something stronger, but the more I thought about it, I realized that was the best we could do. It capped defense spending, it capped foreign aid, it capped social domestic spending, and it provided for the first time what was so important, pay as you go for entitlements. Fifty percent of our budget is entitlements, and it also provided for a tax increase. I voted for this agreement in spite of warnings from Members on my side of the aisle who said that this side of the aisle would not keep the agreement. In fact, they were right. We are not keeping the agreement, and we are only 1 year into this agreement. They said that as soon as there was a chance to break the agreement, they would break the agreement.

Opponents pointed out that it front loaded taxes and back loaded savings. And now before the savings can take effect Congress is breaking the agreement.

Our Nation has more than a \$300 billion deficit this year. It has more than a \$400 million deficit next year before it goes down, and our national debt is over \$3.2 trillion, representing a four-fold increase in just 12 years. That is a four-fold increase. What concerns me the most, however, is that the interest on the national debt is greater than all social domestic spending. The interest

on our national debt is greater than all domestic social spending, all the judicial branch of Government, all the legislative branch of Government, all the executive branch of Government, all the various departments and agencies, and all the programs and services they provide. The interest on the national debt is greater than that.

So what are we doing? We are going to add to our national debt. Our past has caught up with us. And yet as weak as this budget agreement is, we cannot keep faith with it.

I understand my colleagues on this side of the aisle and on that side of the aisle who recognize that we must do something, but I also recognize that if we did not have to spend so much on the interest on the national debt, we would not even be debating this issue; we would have the money to do what we need to do, and that is to help the people who are in need.

The bottom line for me is that if I vote for this, I am breaking that budget agreement. I am adding \$5.9 billion to the national debt, I am increasing the annual interest payments on the national debt, and I am denying future generations what they deserve.

In conclusion, Mr. Speaker, the bottom line for me is that we spend more on interest on the national debt because of what we have done for the last 12 years, and I am not going to be part of that.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Michigan [Mr. LEVIN], a member of the committee.

Mr. LEVIN of Michigan. Mr. Speaker, we should take up the economic growth issue, but that is not going to help the people who are exhausting their benefits.

I voted for the budget agreement, but we cannot hide behind that today. I detect some real discomfort on the minority side, and let me tell the Members why. I think it exists because maybe there is a bit of empathy, but there is also some political discomfort because this is a middle-income as well as a low-income issue.

Earlier today I talked to a suburbanite Royal Oaker a single mother, with a kid in college, in her forties. She was off work for 2 years. She called me, and I talked with her on her first day back to work. Why would she call to talk to me? She is just back to work. She called because she looked for 2 years and could not find a job. She has a college degree. She called because she said she sent out 400 résumés and received back zilch in terms of a response. She called because she said she had never been laid off before, had never been in an unemployment compensation office before, and because when she had exhausted her benefits earlier during the 2-year period, she had to go on ADC. She said to me "I don't want that to happen to the hundreds of thousands of

people who are exhausting their benefits."

And what is the answer of the President? It is to punish the victims of the recession. They say, "Get lost" to hundreds of thousands of Americans.

Mr. Speaker, we can do better. Let us vote for this bill in an overwhelming sense and keep faith with the working people of this country, with those who have started small and middle-sized businesses and who have seen them lost. We must vote for this bill and do so by more than a two-thirds vote today.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair wishes to state that the gentleman from Michigan [Mr. BONIOR] has 13 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 14 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, the richest 1 percent of Americans have seen their incomes doubled, from \$300,000 to \$600,000 a year in the last decade. In the last year, per person income has dropped by \$430 in this country. Yet the Republicans are hyperventilating on this floor today in order to prevent a few dollars in desperately needed help from getting to the people in this country who have lost their jobs and need some temporary help.

That issue may seem academic to some people, but it is personal to me. I will never forget the week I went away to college, because that was the week my father lost his job. I remember that. He was scared, and I was scared. We had no idea whether he would be able to provide me any help or not. We had no way to plan, and he was humiliated.

There are millions of people in that same position today, and we ought not forget them because of parliamentary or budgetary niceties. You talk about economic growth. Let me simply point out that there are 300,000 fewer jobs in this economy today than there were the day George Bush walked into the White House. The administration has not produced on jobs, and now it will not deal with the consequences by helping the people who need help because there are not those jobs.

You talk about economic growth, and what is your answer? Another fat tax benefit for millionaires in your capital gains tax. If it was not so tragic, I would laugh.

□ 1430

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

Mr. Speaker, I would just say something to the gentleman from Wisconsin [Mr. OBEY] who just spoke, whom I really do have a great deal of respect for because he stands his ground in the Committee on Appropriations. But

when he says fat cat tax, that bothers me a little bit. Because not only is the issue about capital gains, what is fat cat about individual retirement accounts?

The gentleman from New York [Mr. DOWNEY] was on the floor before saying that no Republican had come before the Committee on Ways and Means with any part of this economic growth package. Well, individual retirement accounts for all Government employees and for all private sector employees are badly needed. There is nothing fat cat about that. What is fat cat about tax credits for research and development for companies like General Electric and International Business Machines, owned by little old ladies, by widows, by Members, by me? I have some stock, I think, in IBM, and I am no fat cat.

Mr. Speaker, the first time home-buyer tax credit for young Americans who need assistance to be able to buy a home, and lifting the cap on Social Security, is that fat cat?

Mr. Speaker, all of these things are in the Dole-Michel-Solomon economic growth package, in the Gingrich growth package that is pending, that Democrats will not let come on this floor.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Let me yield to my friend, the gentleman from Wisconsin, by all means.

Mr. OBEY. Mr. Speaker, what is in the President's budget for tax relief? You have got a nice fat tax break, 82 percent of which goes to people who make more than \$150,000. You have got table scraps for the middle class, and nothing for the poor.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let me just conclude by saying as I said earlier this morning that this week I am hearing a lot of rhetoric from that side of the floor about the President giving money to the Kurds, Bangladesh, or what have you. That same kind of rhetoric coming from the Democrats side of the aisle is going to be put to the test in a few days.

Mr. Speaker, I would say to the gentleman from Wisconsin [Mr. OBEY] that a foreign aid authorization bill that has giveaways to all of these foreign countries is coming to the floor. I think it is 24 or 25 billion dollars' worth. Then we have the Israeli housing guarantees. I think that is about \$10 billion. That brings us to about \$35 billion.

Then there is the IMF thing which I have never voted for since I came to this Congress 13 years ago. I think that is \$12 or \$13 billion.

Do you know what? You on the Democratic side of the aisle are going to vote for every nickel on it. I am going to vote against it.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to my friend from Wisconsin.

Mr. OBEY. Mr. Speaker, the gentleman is talking to the chairman who blocked the Bush request for the IMF funding.

Mr. SOLOMON. That is why I say you are not all bad.

Mr. OBEY. Let me also ask the gentleman from New York [Mr. SOLOMON], will the gentleman support the President in his request to delay the request for the \$10 billion Israeli loan guarantee fund? Will the gentleman support that request? I am supporting it.

Mr. SOLOMON. Mr. Speaker, I think I am going to be with the gentleman from Wisconsin [Mr. OBEY] and I admire the gentleman for standing up.

Mr. OBEY. Mr. Speaker, I am glad that on that one issue, the gentleman is on the right side.

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

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I can think of at least 10 reasons why the President should sign this bill.

No. 10, not everybody gets paid to play golf like the Vice President;

No. 9, totaling the President's domestic accomplishments is not even a part-time job;

No. 8, watching the President fish does not put food on the table;

No. 7, Sununu only needs so many drivers;

No. 6, 1,000 points of light does not pay the electric bill;

No. 5, the President has already hired too many spokesmen to say "The recession really is over";

No. 4, 9 million out-of-work Americans have not gotten the President's attention by moving to either Kurdistan, Kuwait, or Mount Pinatubo;

No. 3, the only dependable jobs in this country are as the President's travel agent and the boat-waxer at Kennebunkport;

No. 2, the booming pork rind industry has not made up for the loss of jobs in the broccoli business;

No. 1, those 9 million unemployed Americans do not have Millie's lucrative book deal.

Mr. Speaker, in addition to those 10 reasons, and, most importantly, 9 million Americans are out of work today, thanks to the Republican recession. The money is there to help them keep food on their tables and a roof over their heads until they find new jobs. It is their money, out of their paychecks and their employers' contributions. It has nothing to do with the balanced budget amendment or with the Budget Act of 1990 or anything else. It is their money, trust funds that cannot be used for any other purpose except as the President wants to do, to mask the deficit. That is why he will not spend this money. He will not declare an emer-

gency, because then he would have to admit that his economic policies have been a total failure. That is why he will not do it.

Mr. Speaker, voting for this rule and signing the bill, as the President should do, is without question the right thing to do for the 8.2 percent of Floridians who are out of work through no fault of their own.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Michigan [Mr. BONIOR] has 9 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 10 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, millions of deserving Americans are wondering why the President is so fiercely opposing Congress on an issue that is so fundamental to their survival, the extension of unemployment benefits. The President is wrong on this issue.

Mr. Speaker, I hold office hours on weekends in shopping malls. This weekend a constituent of mine captured the frustration of many Americans when she said, "I wish people in Washington would put their feet in our shoes sometimes and understand what our lives are about."

It is time for the President to recognize that the extension of unemployment benefits is not a handout. It is simply giving Americans, who have spent their lives producing for this country, paying taxes from their hard-earned dollars, their due. It is a matter of survival for American families.

Another of my constituents sent me a letter expressing her despair. She said, "We are a middle-class family who can hardly pay all of our expenses now. We have a 16-year-old high school junior for whom we have no college fund. We have no savings to fall back on in emergency situations and no means of earning extra income."

Mr. Speaker, middle-class families are struggling so desperately to make ends meet. How on Earth do we expect them to survive? What happens to these families when their unemployment benefits run out?

My State of Connecticut is in the depths of a 2-year recession. Prospects for a quick recovery are dim. Some 123,000 people in Connecticut are unemployed; 40,000 have lost their unemployment benefits this year alone.

The people of Connecticut are not experiencing the recovery that the President has talked about. They cannot find other jobs because job growth under this President's watch is the worst this country has seen in half a century. There are now 300,000 fewer jobs than when President Bush took office.

Mr. Speaker, Americans are hurting. Congress will pass this legislation for

the second time, not because of politics, but because of need. I urge the President to sign it for the same reason.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. SHAW], a member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, in listening to the debate here, we know where we are, we know where we are going, we know what the rules are going to be, and we know what is going to happen in the Senate. This bill will pass by an overwhelming majority here in the House. It has already passed in the Senate, but by less than the two-thirds necessary to override the veto of the President. This simply means we are going to pass another bill, send it down Pennsylvania Avenue, the President is going to veto it, and his veto will be sustained. So there will be no relief out there for the unemployed people.

Mr. Speaker, why is it that we keep playing this same scenario over and over again? Why is it speaker after speaker has come up here to the microphone and talked about an \$8 billion surprise?

Mr. Speaker, that surplus is gone. It is like old Mother Hubbard's cupboard; it is empty. There is no money in it. There is nothing but IOUs in there, because Congress has spent it all.

We are facing deficits of over \$300 billion, and still we are wrangling in here over a bill which will admittedly bring relief, much-needed relief, humane relief, to many Americans, but is never going to become law.

□ 1440

Why not join together in a partnership and go after the causes of unemployment and not feed the systems of unemployment? Why not create jobs instead of extending benefits?

The package is out there. The President has already put his hand out and he would certainly compromise. He would compromise, I am sure, with this bill if there was some light at the end of the tunnel.

To pass bill after bill that is going to do absolutely nothing but increase the deficit and, yes, the trust funds are all included in the deficit, including this one, because that is the way the law is written, that is the way we wrote it, that is our law. That is not Bush's law. It is our law.

It is included in the deficit. We are spending money that we do not have, regardless of all the rhetoric we hear about the \$8 billion sitting there in the trust fund as if it is dollar bills sitting on a shelf, dollar bills that we have already spent.

I would hope that following the passage of this and the veto of this bill that Democrats and Republicans can at least try to solve some of the problems of unemployment, form a new partner-

ship and together go down. There is no partisan politics in unemployment. All the Congressmen and women in this Hall, all the Senators, we all want full employment. We want a stronger economy.

This is no more a Bush recession than it is a Congress recession. We all have enough responsibility to go around, but together we can solve the problems.

I would call upon the Congress, after the passage of this bill, that we do start a new decade of trying to work together in solving the problems of this country instead of debating what separates us.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of the rule and in support of the conference report.

There are now 10 million Americans out of work and since January of this year 2 million of those Americans have exhausted their unemployment benefits. About 300,000 a month have exhausted their unemployment benefits. This year alone 80,000 Georgians have lost their jobs, and I hear my good friend from Georgia, the minority whip, say, "Well, the cure for unemployment is employment."

How cavalier. We know that. Working people know that. One doesn't have to be a rocket scientist to figure that one out.

While Americans and Georgians are seeing the American dream in many cases become a nightmare, they are talking about a supply-side growth package, Laffer curve, trickle-down voodoo economics. They are talking about then; we are talking about now.

They are saying that we will not declare an emergency, do not need to declare an emergency. There is no emergency. There is no emergency here.

Mr. Speaker, I would have to ask my friend from Georgia, if he were out of work and if this recession continues a lot of us are going to be out of work next year. If he were out of work and if he had exhausted his unemployment benefits and he could not pay mortgage and he and his family were losing their home if his folks were sick and he had lost his health insurance and if he was up against the wall like millions of working Americans are today, would it be an emergency then? You bet your sweet Reagan-Bush recession it would be an emergency.

I urge my colleagues to vote for this rule, vote for this conference report and vote for middle-class working Americans.

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

Mr. Speaker, the former speaker in the well from Georgia is, I consider, a great friend. He is certainly a good

Member of this House. But when he starts talking about voodoo economics and these things, that really does not help us get to the point here.

I do not think that individual retirement accounts for all Americans represents voodoo economics. I do not think tax credits for research and development that are so desperately needed by American industry today to compete with all of these Japanese firms and all of those other subsidized firms represents voodoo economics.

I mentioned before first-time home buyer tax credits and lifting the cap on senior citizens' earnings. Those things are very, very serious matters. They are meant to stimulate the economy.

Even the gentleman from Michigan [Mr. BONIOR], my good friend, during the Committee on Rules debate on one of these rules, I cannot remember which one because this is the fourth or fifth one we have had, but even the gentleman from Michigan [Mr. BONIOR], contradictory to what he said here on the floor, told the gentleman from Georgia [Mr. GINGRICH] to his face that his economic program was meritorious, had good merit, but this was not the time. This was not the time for that and the Democrats would be coming up with a similar package at some appropriate time.

I tell my colleagues, the people who work for General Electric and IBM, those same middle-class Americans, those engineers we were talking about, think the time is now for economic growth. That is what we are looking for.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. If the gentleman claims his own time.

Mr. BONIOR. It does not look like the gentleman has a lot of Members over there that want to talk on this issue. Will the gentleman yield?

Mr. SOLOMON. The gentleman has refused to yield to me three times. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, let me just say to the gentleman from New York [Mr. SOLOMON] in my discussions with the gentleman from Georgia [Mr. GINGRICH], I did say that he had some very good features in his package. I did not agree with his total package. I did not agree with capital gains as a means to deal with this issue by itself.

I just want to clarify that, that there were parts of that package that obviously we all agree with over here.

Mr. SOLOMON. And if we had an open rule today, Mr. Speaker, we would be able to take up those good portions that the gentleman thinks are good and we could pass them on this floor and put people to work.

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

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I would like to first commend Chairman ROSTENKOWSKI, and the members of the House Ways and Means Committee, for their persistence and commitment to assuring extended unemployment compensation benefits for the 334,321 Americans that have exhausted their benefits. I do not know what it is going to take to convince this administration that workers and their families are suffering.

In 1935, as the Congress considered the Social Security Act, it authorized short-term income aid to employed workers who have shown loyalty to the labor work force by maintaining an acceptable work history. The unemployment insurance system simply provides protection against the relentless turns of the business cycle.

The downturn of the current business cycle continues to wreak havoc on this Nation's weak economy. Caught in this protracted economic turbulence are hard-working men and women who's earnest wish is to provide food, shelter, education, and medical needs for their loved ones. These workers need help.

Yet, President Bush hides behind the law, only to deny benefits to those who are in need. Under the budget law, the President can request, and receive, emergency spending for war, recession, or national disasters. President Bush applied a very liberal reading of the law when he requested, and received, emergency spending for everything from aid to the Kurds, to the evacuation of various citizens during the Iraq crisis. Much to the dismay of those thousands that have exhausted their 26 weeks of unemployment benefits, President Bush applied a strict reading of this law stating that, "the last thing we want to do is break the budget agreement and spend outside to increase the deficit." Such a denial of basic assistance sends the message that it is better to be a Kurd than a working, taxpaying, American.

Instead, President Bush has once again prescribed the so-called panacea for the problems of the unemployed. He says that, the best prescription for the problems of the recession are to create new jobs and to get people back to work. The President's so-called alternative legislation promises to create nearly one-half of a million jobs in just 5 years. Could someone tell me, how can this administration create one-half of a million jobs in 5 years, when there has been no serious commitment to this issue since President Bush moved into the White House.

To designate the need for extended unemployment compensation funds as emergency, is not outlandish or unconscionable. I believe that unemployment emergency funds are in sync with the rate of long-term unemployment and the problems that come with it. There is no doubt, in my mind, that the 93,672 unemployed workers in Illinois who

have exhausted their benefits are having extreme difficulties dealing with day-to-day life. I've been there, I know.

An expansion of unemployment insurance conforms exactly with the definition of a circumstance requiring emergency designation. People are suffering and are in need of extended benefits. I ask all of my colleagues to support the passage of the conference report to the Emergency Unemployment Compensation Act. The workers of this Nation are relying on us today.

□ 1450

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. CUNNINGHAM] a new Member of this House.

Mr. CUNNINGHAM. Mr. Speaker, I have only been a Member of this Congress now for about 8 months, and in that time I have seen a lot of different bills come forth which both sides knew the President was going to veto. It is kind of discouraging, as someone who is action oriented, to say that the other side has its points and we have our points, but why can we not sit down and negotiate these things out and pass a bill that will help people?

That side of the aisle is so stubborn that they will not change. This side of the aisle is so stubborn that they will not change. We need to sit down and help people.

It is like having a liferaft in a river. You throw somebody a liferaft when they are drowning, and all of a sudden they begin to like the water. They lose the liferaft. So you throw them another one.

So I think this side of the aisle is of the same mind. We would like to throw them a liferaft, but we would like to have it with a rope and to pull them out. That rope means jobs and opportunities as the gentleman from Georgia [Mr. GINGRICH] just told us. It is the President's economic package that has been denied by the other side of the aisle, and quite frankly, it is quite disturbing to me to see things like civil rights bills and economic packages that help people that cannot be passed by both sides of the aisle.

I think that is why the people of this country are saying throw the rascals out, and I think maybe they need to do that, Mr. Speaker. It is an impasse, and it is discouraging as a freshman Member of this Congress to see that.

I have people in my district, the last shipbuilding industry called Nayco on the west coast, and they are hurting for money also. But to vote for this bill, because of its formula, would cost the State of California over 13,000 jobs. We would raise taxes by over \$6 billion, or increase the deficit by \$6 billion, which hurts business. The other side of the aisle I think, 70 percent of the other side of the aisle, could not make a payroll if they had a business because

they do not understand the things that they try and pass on this floor and how it affects business and kills jobs.

You kill jobs and then you cry because there is no money to pay for it. Let us just sit down and be able to create jobs and pay for those things.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, let me respond to my good friend from California. I have been in this House for 8 months as well. But the reason we are having this debate is because, apparently, we have more confidence in our President to exercise good judgment and to recognize the condition of the American families who elected him to leadership.

The gentleman was telling us that we should vote against this rule because the President has already made up his mind, he is not going to change his mind regardless of the condition that afflicts American families today. The fact is that much of the information we have been told cannot be right. We have heard from the gentleman from Florida, a previous speaker on the other side of the aisle, that the unemployment insurance trust fund is bankrupt. I hope it is not bankrupt, because it was authorized for only one purpose. As the gentleman on the other side of the aisle know, it was not authorized to bail out any budget deficit. It was authorized to be paid by the employers of this country solely for American families who have lost work, not families who have quit their jobs, but American families who have lost their jobs and who are looking for jobs and whose benefits have now run out.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. MORAN. They cannot pay their mortgages, they cannot feed their families. They are not going to be able to keep their children in college.

And we are as responsible as you are, and we want to do something about it.

Mr. Speaker, today I want to speak in support of the rule and join my responsible colleagues on both sides of the aisle, in support of legislation which would extend unemployment benefits for more than 2 million Americans who ask only that they have an opportunity to work hard to strengthen our economy.

We have been through this debate before. In July, we sent the President a good bill—a fair bill—that would have provided relief for those men and women who had exhausted their unemployment benefits. The President needed only to sign the bill and declare an emergency to set this extension in motion. While he showed great symbolism in signing the bill, he showed no compassion in refusing to declare an emergency.

While the administration obfuscated the fact, denied that there was a recession back in August, 8.5 million Americans were out looking for a job. While the President denied that there was an economic emergency, and refused to enact the unemployment extension,

316,000 individuals exhausted their benefits; 316,000 Americans who would have been covered by our efforts in July must now worry about feeding their families, paying their bills, and meeting their mortgages. Those 316,000 Americans, who could have been protected then, are now watching their benefits run out and their hopes for the future dissipate.

Today we have an opportunity to right that wrong and to pass another good, fair bill that protects the American families hardest hit by this prolonged recession. I hate to imagine the repercussions our failure to act might have on the 316,000 Americans who have exhausted their benefits in September, or the 316,000 who will exhaust their benefits in October.

We have the money to protect those families suffering extended unemployment—there is over \$7.6 billion in the unemployment trust fund—we need only the courage and the compassion to spend it for the purposes for which it was established. I urge my colleagues to join me in supporting the rule, and then supporting the conference report, and in extending unemployment benefits.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I asked the gentleman from Virginia to yield but he chose not to do so. I asked him to yield because he just absolutely misquoted me.

Nowhere in my remarks did I use the word "bankrupt." I simply said that the cupboard is bare. Congress has spent the trust fund on other matters, and there is nothing in there with the exception of Government obligations in the form of IOU's.

This whole thing, and I am sure the gentleman after 8 months understands, is in the unified budget, which includes the trust fund. Perhaps it should not. I would like to see them all go off budget. But the highway fund is in here, this is in here, and other funds are in here that ought to come out.

Mr. MORAN. There is \$7.6 billion of surplus in that trust fund authorized for only one purpose.

Mr. SHAW. There is not.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. SHAW] has expired.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, the issue today is are we going to take care of things here at home.

I give President Bush some major credit for some accomplishments in foreign affairs. In some areas he has done an awfully good job.

He also is responsible, it seems to me, for some big failures, and this is one of them. The President has traveled to 32 foreign countries in his 2½ years in office. He has traveled on Air Force One the equivalent of three times around the equator creating a new world order.

Why is this relevant? Because while he has been out creating a new world

order, we have had some trouble here at home. We have had a recession. Unemployment has increased and a whole lot of American families are in trouble.

We debate today for those who have lost their jobs during the recession and cannot find another job during a recession, whether we will trigger extended unemployment benefits to help those families. But the President says no.

He does not say no to everybody. When he travels he always says yes. I have a list, and this is not foreign aid, but this is just debt writeoffs. I have a list of the debts written off for these countries, \$11 billion to 30 countries in the last 24 months. He says yes to Poland, yes to Egypt, yes to Libya, yes to a writeoff for Jamaica, yes to Senegal, yes to Chile, and yes to nearly two dozen others, we want to write off your debt. But here at home he says no. You American families, we do not want to give you extended unemployment benefits when you are out of work.

Something is wrong with a yes abroad and a no here at home. There is \$8.1 billion in the extended unemployment benefit trust fund that has been collected just for this purpose. It is collected for the purpose of paying extended unemployment benefits during a recession to those families who are struggling.

So, will an administration that says yes to everybody around the world finally say yes to American families here at home, just once?

Mr. SOLOMON. Mr. Speaker, I intend to sum up on our side, and I have no other speakers besides myself.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. SOLOMON] has 2 minutes remaining and the gentleman from Michigan [Mr. BONIOR] has 1½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I therefore yield myself the balance of our time.

My colleagues, when I came to this Congress 13 years ago the toughest thing for me to learn was the art of compromise, because I really felt if I was giving in I was giving up on my principles. But there is a Democrat Party and there is a Republican Party. We have to get along, and we have to do what is right for America, and we have to compromise.

The Democrats have a package which is on the floor again today. We tried to offer a substitute for that, but we were denied a vote on the floor for the Gingrich-Gramm economic growth package. Democrats refused to allow it.

So we compromised again by saying we will support your package of unemployment benefits if you will give us the economic growth package. Let us couple it, pass it, and send it to the President and he will sign it. But Democrats would not do that. They refused that compromise.

Then we offered the Dole-Michel-Solomon compromise, which is 10 weeks of

benefits, the same thing you are asking for, only we do not make the law permanent. Again, Democrats refused to compromise.

Ladies and gentlemen, the Senate has just killed this bill. They will not override the President's veto. This bill is dead. Why do Democrats not accept that fact, and why do they not compromise and accept the Dole language? Those checks would reach the people tomorrow if we would all vote down this rule. I ask Members to vote it down so that we can get a compromise that is going to help the American people today, not 3 weeks or 4 weeks from today.

The SPEAKER pro tempore. All time of the gentleman from New York [Mr. SOLOMON] has expired.

To close debate, the gentleman from Michigan [Mr. BONIOR] has 1½ minutes remaining.

Mr. BONIOR. Mr. Speaker, before I yield to my friend from Rhode Island to close debate, let me say the President has an opportunity, a historic opportunity to sign this bill that we will send him, and if he decides not to do that, we will have this bill back before us again and again and again until he faces the need of the people of this country.

I do not believe this bill is dead. In fact, I believe the President fails to recognize his responsibility and the needs of the American people on this most urgent issue. This House and the other body will see to it that those people are taken care of.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Rhode Island [Mr. REED].

Mr. SOLOMON. Mr. Speaker, I would like to inquire how much time remains in debate?

The SPEAKER pro tempore. The gentleman from Rhode Island [Mr. REED] is recognized for 1 minute.

□ 1500

Mr. REED. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is the third time in as many months that I have been here on the House floor urging the passage of the extension of unemployment benefits for working Americans.

I come from Rhode Island. Frequently in newspapers, Rhode Island is cited as the only State that qualifies for extended benefits, and unless we pass this legislation, Rhode Island, with a 9.1-percent unemployment rate, will not qualify for extended benefits.

This is a matter of urgency. This is a crisis which we must address today. We must stand up and support working Americans throughout this country and vote for this legislation.

There is a human face to this crisis. People come into my office. They are people who have worked all their lives, many graduates of fine universities, professional people who have always

had a job and are now without employment with families to support, desperately needing the help of their country. They are baffled. They do not understand why the President of the United States can go around the world, seize the initiative in international affairs, but ignore a crisis at home that is destroying the families of America.

It is our responsibility and our obligation to stand up for these families today.

Mr. Speaker, I urge my colleagues to vote for this important legislation.

Mr. BONIOR. Mr. Speaker, 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 on a division (demanded by Mr. SOLOMON) there were—yeas 12, nays 3.

Mr. SOLOMON. 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 (Mr. MONTGOMERY). 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 270, nays 147, not voting 15, as follows:

(Roll No. 284)  
YEAS—270

Abercrombie	Costello	Hall (TX)
Ackerman	Cox (IL)	Hamilton
Alexander	Coyne	Harris
Anderson	Cramer	Hatcher
Andrews (ME)	Darden	Hayes (IL)
Andrews (NJ)	Davis	Hayes (LA)
Andrews (TX)	de la Garza	Hefner
Annunzio	DeFazio	Henry
Anthony	DeLauro	Herger
Applegate	Dellums	Hertel
Aspin	Dicks	Hoagland
Atkins	Dingell	Hochbrueckner
AuCoin	Dixon	Horn
Bacchus	Donnelly	Horton
Barnard	Dooley	Hoyer
Beflenson	Dorcan (ND)	Hubbard
Bennett	Downey	Huckaby
Berman	Durbin	Hughes
Bevill	Dwyer	Hutto
Bilbray	Early	Jacobs
Boehlert	Eckart	Jefferson
Bonior	Edwards (CA)	Jenkins
Borski	Edwards (TX)	Johnson (SD)
Boucher	Engel	Johnston
Boxer	English	Jones (GA)
Brewster	Erdreich	Jones (NC)
Brooks	Espy	Jontz
Browder	Evans	Kanjorski
Brown	Fascell	Kennedy
Bruce	Fazio	Kennelly
Bryant	Feighan	Kildee
Bustamante	Flake	Klecicka
Byron	Foglietta	Kolter
Campbell (CO)	Ford (MI)	Kopetski
Cardin	Frank (MA)	Kostmayer
Carper	Frost	LaFalce
Carr	Gaydos	Lancaster
Chapman	Gejdenson	Lantos
Clay	Gephardt	LaRocco
Clement	Geren	Laughlin
Coleman (TX)	Gibbons	Lehman (CA)
Collins (IL)	Glickman	Lehman (FL)
Collins (MI)	Gonzalez	Levin (MI)
Condit	Gordon	Levine (CA)
Conyers	Guarini	Lewis (GA)
Cooper	Hall (OH)	Lipinski

Lloyd	Pallone
Long	Panetta
Lowe (NY)	Parker
Luken	Patterson
Machtley	Payne (NJ)
Manton	Pease
Markey	Pelosi
Martin	Penny
Martinez	Perkins
Matsui	Peterson (FL)
Mavroules	Peterson (MN)
Mazzoli	Pickett
McCurdy	Pickle
McDade	Poshard
McDermott	Price
McGrath	Rahall
McHugh	Ravenel
McMillen (MD)	Ray
McNulty	Reed
Mfume	Regula
Miller (CA)	Richardson
Mineta	Rinaldo
Mink	Roe
Moakley	Roemer
Mollohan	Rose
Montgomery	Rostenkowski
Moody	Roukema
Moran	Rowland
Mrazek	Roybal
Murphy	Russo
Murtha	Sabo
Nagle	Sanders
Natcher	Sangmeister
Neal (MA)	Sarpalius
Neal (NC)	Savage
Nowak	Sawyer
Oakar	Scheuer
Oberstar	Schroeder
Obey	Schumer
Olver	Sharp
Ortiz	Sikorski
Orton	Slisisky
Owens (NY)	Skaggs
Owens (UT)	Skelton

Slattery	Stallings
Slaughter (NY)	Stark
Smith (FL)	Stenholm
Smith (IA)	Stokes
Snowe	Studds
Solarz	Swett
Spratt	Swift
Staggers	Synar
Stallings	Tallon
Stark	Tanner
Stenholm	Ray
Stokes	Tauzin
Studds	Taylor (MS)
Swett	Thomas (GA)
Swift	Thornton
Synar	Torres
Tallon	Torricelli
Tanner	Towns
Tauzin	Traficant
Taylor (MS)	Traxler
Thomas (GA)	Unsold
Thornton	Valentine
Torres	Vento
Torricelli	Visclosky
Towns	Volkmer
Traficant	Washington
Traxler	Waxman
Unsold	Weiss
Valentine	Wheat
Vento	Whitten
Visclosky	Williams
Volkmer	Wilson
Washington	Wise
Waxman	Wolpe
Weiss	Wyden
Wheat	Yates
Whitten	Yatron
Williams	
Wilson	
Wise	
Wolpe	
Wyden	
Yates	
Yatron	

NOT VOTING—15

Allard	Holloway	Olin
Crane	Hopkins	Payne (VA)
Derrick	Kaptur	Rangel
Dymally	McCloskey	Serrano
Ford (TN)	Myers	Waters

□ 1521

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Allard against  
Mr. McCloskey for, with Mr. Crane against

Mr. GUNDERSON and Mr. GILCHREST changed their vote from "yea" to "nay."

Mr. TORRES changed his vote from "nay" to "yea."

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.

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the provisions of House Resolution 230, I call up the conference report on the Senate bill (S. 1722) to provide emergency unemployment compensation, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Pursuant to House Resolution 230, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of earlier today, Tuesday, October 1, 1991.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

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

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending conference report.

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

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to urge support for the conference report on S. 1722, the Emergency Unemployment Compensation Act of 1991.

Last week, the House passed S. 1722 by an overwhelming 294 to 127 vote. During the debate on S. 1722, we promised to work swiftly to complete the conference, and send this important bill to the President. Today, we keep that promise, and provide an emergency extension of unemployment benefits to over 3 million unemployed American workers.

S. 1722 would establish a temporary emergency unemployment compensa-

NAYS—147

Archer	Gradison	Petri
Armey	Grandy	Porter
Baker	Green	Pursell
Balenger	Gundersen	Quillen
Barrett	Hammerschmidt	Ramstad
Barton	Hancock	Rhodes
Bateman	Hansen	Ridge
Bentley	Hastert	Riggs
Bereuter	Hefley	Ritter
Bilirakis	Hobson	Roberts
Billey	Houghton	Rogers
Boehner	Hunter	Rohrabacher
Broomfield	Hyde	Ros-Lehtinen
Bunning	Inhofe	Roth
Burton	Ireland	Santorum
Callahan	James	Saxton
Camp	Johnson (CT)	Schaefer
Campbell (CA)	Johnson (TX)	Schiff
Chandler	Kasich	Schulze
Clinger	Klug	Sensenbrenner
Coble	Kolbe	Shaw
Coleman (MO)	Kyl	Shays
Combest	Lagomarsino	Shuster
Coughlin	Leach	Skeen
Cox (CA)	Lent	Slaughter (VA)
Cunningham	Lewis (CA)	Smith (NJ)
Dannemeyer	Lewis (FL)	Smith (OR)
DeLay	Lightfoot	Smith (TX)
Dickinson	Livingston	Solomon
Doolittle	Lowery (CA)	Spence
Dorman (CA)	Marlenee	Stearns
Dreier	McCandless	Stump
Duncan	McCollum	Sundquist
Edwards (OK)	McCrery	Taylor (NC)
Emerson	McEwen	Thomas (CA)
Ewing	McMillan (NC)	Thomas (WY)
Fawell	Meyers	Upton
Fields	Michel	Vander Jagt
Fish	Miller (OH)	Vucanovich
Franks (CT)	Miller (WA)	Walker
Galleghy	Molinari	Walsh
Gallo	Moorhead	Weber
Gekas	Morella	Weldon
Gilchrist	Morrison	Wolf
Gillmor	Nichols	Wyllie
Gilman	Nussle	Young (AK)
Gingrich	Oxley	Young (FL)
Goodling	Packard	Zeliff
Goss	Paxon	Zimmer

tion program beginning next week and extending through July 4, 1992. The bill would cost about \$6.4 billion, and would be funded from nearly \$8 billion previously credited to the unemployment trust fund to cover the cost of the extended benefits program. An estimated \$6 billion would be spent in fiscal year 1992, which would help maintain consumer demand and stimulate the economy.

Benefits would be available prospectively not only to those exhausting their regular benefits during this period, but would be paid also to those still unemployed who ran out of benefits after February 1991 in States with unemployment rates of at least 6 percent.

The number of weeks available to unemployed workers under the conference agreement would depend on the "total unemployment rate" in their respective States.

States with unemployment rates of 8 percent or higher would be eligible to provide up to 20 weeks of benefits;

States with unemployment rates of 7 percent to 8 percent would be eligible to provide up to 13 weeks of benefits; and

All other States would be eligible to provide 7 weeks of benefits.

Under this new trigger mechanism, 7 State programs would provide 20 weeks of benefits; 14 State programs would provide 13 weeks of benefits; and 32 State programs would provide 7 weeks of benefits.

In addition, the bill would make permanent changes in unemployment benefits for exservicemembers to equalize their benefits with civilians:

Unemployed veterans of Operation Desert Storm and other veterans would be able to get 26 weeks of benefits instead of the current 13 weeks;

Veterans would have to wait only 1 week for their checks instead of 4 weeks; and

Reservists would have to serve continuously on active duty for only 90 days instead of 180 days.

Other provisions of the conference agreement include a three-State job search demonstration project; a Department of Labor report on allocating unemployment insurance administrative funds to States; an unemployment compensation advisory council; and special consideration under the Job Training Partnership Act for dislocated timber workers in Oregon and Washington.

Finally, the conference agreement would treat the provisions of the bill as an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985. If the President signs the bill, he in effect will be declaring an emergency at the same time. If he vetoes the bill and Congress overrides his veto, the bill will take effect because of Congress overriding his veto.

Mr. Speaker, recent economic news bears out what unemployed American

workers have known for months—the recession is far from over.

The index of leading economic indicators was flat last month.

Real gross national product fell a half percent in the second quarter of 1991.

Durable goods orders dropped nearly 4 percent in August.

Consumer confidence fell for the third consecutive month.

Sales of U.S. cars and trucks were down 16 percent in mid-September compared to a year ago.

The number of poor persons increased by 2 million in 1990 and the official poverty rate rose from 12.8 percent in 1989 to 13.5 percent in 1990.

The insured unemployment rate rose again in early September from 3 percent to 3.2 percent. This suggests the overall unemployment rate for September could rise again from last month's 6.8 percent when it is announced on Friday.

Opponents have made many shallow arguments against this bill, including crying foul as if the emergency designation in the bill creates some kind of grave legal or constitutional crisis. Clearly, there is no such crisis.

If the President chooses not to sign this bill, S. 1722 simply preserves the constitutional prerogative Congress has to override a Presidential veto. Opponents argue the bill should give the President the authority to sign the bill, but not declare an emergency. In effect, they argue Congress should give up its right to override a Presidential veto. But Congress tried this approach in August, and it didn't work.

Mr. Speaker, the President's economic advisers promised the American worker a short and shallow recession. What they got instead was short shrift. Our constituents did not send us to Congress to give up constitutional rights to the President of the United States. They sent us here to look out for their best interests, and exercise the powers vested in this institution by the Constitution.

My colleagues, let us put an end to the domestic politics of indifference. The economy is down and unemployment and poverty are up. I strongly urge support for the conference report on S. 1722. It provides a much-needed extension of unemployment benefits to millions of unemployed American workers who have waited long enough for government to act.

□ 1530

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

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

Mr. Speaker, I have several objections to the conference report on unemployment insurance.

The first and most important is that we are running roughshod over last year's budget agreement. A year ago,

headlines in all the Nation's major newspapers reflected deep concern about the Federal deficit. Here in Congress, we fought a very divisive and difficult battle to hammer out the budget agreement. And all because we were determined to reduce the deficit.

Now, having created a budget agreement that has the potential to reduce what last year was perceived as the Nation's most serious problem, the Congress is about to smash a fundamental tenet of that agreement. If this bill is passed, the President will lose his independent right under section 252(e) of the Budget Act to participate in declaring an emergency.

I think all of us know very well what happens once the slightest crack appears in any agreement such as this.

By this time next year, the crack will be a chasm, and even the monstrous CBO budget deficit estimate of \$360 billion for 1992 will be too low. Have we already forgotten last year's crisis? Are we willing to kill the 1990 agreement and renew all the partisanship and bitterness that will accompany another battle to solve the deficit?

My second objection to this bill is its timing.

Like Democrats, Republicans recognize and deplore the suffering induced by unemployment. Unlike Democrats, we attend carefully to the history of unemployment in this Nation, and in doing so realize that 6.8-percent unemployment does not constitute an emergency. Today's 6.8-percent unemployment is actually lower than the unemployment level when we ended supplemental benefits after the last recession.

Yes, the situation for those who are unemployed is serious. But does it constitute an emergency worthy of scrapping our deficit reduction effort instead of focusing on economic growth and job creation?

One reason the majority in Congress is ready to declare an emergency is that Members may not have reflected on some important statistics about the American economy. This debate has been driven primarily by the unemployment rate figures.

While I agree that the unemployment rate is an important number, another important number we should consider is the percentage of adult Americans who are employed. When President Carter left office, about 59 percent of Americans had a job. In February of 1983, during the depth of the last recession, the percentage of adult Americans with jobs declined to 57.1. By contrast, today over 61 percent of Americans have a job.

So even though our unemployment level is up, we still have many more Americans earning money than in any previous recession and even more than in most previous nonrecessionary periods. Shouldn't these numbers make

people at least wonder how great an unemployment emergency we face as we tear up the budget agreement?

Third, despite the fact that we exempt ourselves from Budget Act requirements and give away money we don't have, Members of Congress should realize that there's no free lunch when it comes to financing benefit programs. Sooner or later, this legislation will result in higher taxes. We cannot go on building up debt forever. When the bill finally comes due, American taxpayers will once again pick up the tab for benefits that Congress led them to believe were free.

Violating the Budget Act, creating an unnecessary program, and creating pressure for future tax increases are all good reasons for opposing the conference agreement.

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

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, it is with much regret that I rise in opposition to this legislation. This bill has the laudable goal of helping the victims of the recession who have lost their jobs and have exhausted their unemployment benefits. These people need help, and we should find the means to provide it. However, I cannot support legislation that will increase Federal spending by \$6.4 billion without any offsetting spending cuts.

I strongly support the goals of this legislation. Like the rest of my colleagues, I have recently returned from a tour of my district. I can tell you that there is a problem out there. The people in west Texas are hurting. More than 16,000 of my constituents are unemployed, and many businesses can barely meet their payroll. I can sum up the situation in my district with one word—survival.

I agree with my colleagues who have argued that this is an important issue that demands congressional action. But I would say to those who argue that we must declare an emergency to provide the money for it—why can't we find \$6.4 billion in spending to cut out of a \$1.4 trillion budget to pay for it? If the Members of this body believe that it is important to spend money to assist unemployed workers—and I believe that it is—then we should be willing to find programs that are not as important that we are willing to cut to pay for it. I do not believe that every dime of the Government's \$1.4 trillion budget is absolutely vital and there is not room to cut spending.

I believe that a national debt of \$3.6 trillion and a deficit of more than \$350 billion is the most serious problem facing the country today. This problem will only worsen unless we bite the bullet and admit that governing sometimes requires making sacrifices. We simply cannot afford to spend money on every problem or idea that comes before Congress. We must learn to set priorities. To me, the restraints on spending that were intended to force us to set priorities was the key to last year's budget agreement. I believe that providing assistance to unemployed workers should be a priority of this Government. I was willing

to put my vote behind these words by voting to make the cuts to pay for it. Unfortunately, I never got that chance. As a result, I cannot support this bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. APPELEGATE].

Mr. APPELEGATE. Mr. Speaker, I thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for yielding this time to me.

When is a recession not a recession? Well, I guess it is living in the lap of luxury and riches, where one's education is paid for, having all kinds of influence, and where one does not have any fear of unemployment. There is good food on the table and there is good health care.

Mr. Speaker, the President of the United States presides over a declining economic and social structure, and then he looks down his nose at people whom he presides over, the people who pay the taxes, the people who elected him, who also have now become sick of being unemployed and being poor. And the answer to that is: "We don't have any recession. Go get a job."

They say there is no recession. Well, I say to my colleagues, "We've heard about this no recession stuff for a long time."

They stated that they are going to give us 30 million new jobs. We are losing 10,000 a month. They are going overseas to other places. We are sending all of our jobs overseas, allowing all this foreign stuff to come into the country—from slave labor.

Mr. Speaker, we have the fastest rate of unemployment, the slowest growth, since World War II, and I think it would be a cruel hoax if the President vetoes and Congress fails to override this veto.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time until the gentleman from Illinois [Mr. ROSTENKOWSKI] reaches his last speaker.

□ 1540

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

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I rise in support of the bill and to suggest that recently the President has been doing very good things for the people of the world. Through his speech last Friday, we have less fear of nuclear holocaust. He has provided aid and assistance to people of Eastern Europe and the Soviet Union who are certainly hurting, and he has resolutely pursued the cause of peace in the Middle East. He does good things for the people of the world, but now, Mr. Speaker, it is time for the President to do equally good things for the people of this Nation.

I do hope that when we send this bill to the President, this compromise

package of extending unemployment benefits to long-term unemployed American people, the President will do good things for Americans and sign this bill into law.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, we are seeing a tragedy played out here today, a tragedy for the people who are unemployed, because out of this process they are going to get no check. We already know that the vote in the Senate is such that this bill is going to be vetoed and the veto is going to be sustained.

So it is a tragedy. We are going to have more politics talked about, but the unemployed are going to get no check.

It is a tragedy also because the people who have concocted this bill and who bring it here, have concocted a bill that will in fact make us less capable of competing in the world, not more capable. Why? Because if this bill were enacted, if the President did not have the courage to veto this bill, the fact is that we would have to borrow the money from the Japanese in order to pay the cost. The trust fund out of which these moneys come was already committed in last year's budget deal to other spending, so there is no money to pay for this bill. The only way we have to pay for this bill is to go out and borrow at least 20 percent of it from the Japanese. So for those who are concerned about our position in the world and what the President is doing in the world, the tragedy that we see playing out here is that we will be more committed to debt in the world when this happens.

Finally, it is a tragedy because we are not doing what we committed ourselves to last year. With this bill we are making a specific attempt to break last year's budget agreement. We are making a specific effort to overcome what many people promised.

I have heard Democrats in the last few days talk about a 10-year budget deal. The 5-year budget deal we had last year did not even last a year, and we are here on the floor trying to break out of it. Those deficits are killing the economy, they are killing our budgets, and if we do not stop playing out this kind of tragedy on the House floor on a regular basis, we are going to see more jobs killed.

Mr. Speaker, we need an economic growth package. We need something that really produces real jobs in this country. We do not need any more unemployment tragedy. We do not need any more unemployment bills that will not do the job.

Mr. Speaker, I am sorry we have this tragedy today, but the right vote now is a no vote.

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

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I have listened to the debate very attentively, and I barely can believe what I am hearing. We are told that more people are working now than before. We are told that the unemployment rate is not really as high as we are saying it is. Try telling that to the person who is unemployed. Try telling that to the person whose unemployment benefits are running out and they cannot pay their mortgage or send their kids to school or buy food.

What we are doing is simply saying to the Americans who have worked hard all their lives and find themselves, through no fault of their own, out of a job, is that we will not help them. We have many, many programs. We help many, many people over the world, as we should, but we ought to start helping our people back home.

Mr. Speaker, we have lots of programs. There are lots of things that Congress does. Let us not start hurting the people in our country who need help the most. We should pass this bill and override the President's veto.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this legislation. It is a tragedy that we are not paying long-term unemployment benefits right now, as a result of the veto that occurred a little over a month ago.

When people in Kuwait lost their jobs through the savage aggression of Saddam Hussein, there was no question about where we would borrow the money. It was deemed an emergency situation, and we moved. Now the savage consequences of recession undermine the lives and welfare, the nutrition and housing of Americans.

The foreign policy issues the President has been attending to are more critical than the ones that will benefit the American public. But this President must also remember that he is the President of the United States, and that the health and welfare of the United States is also his responsibility.

The ranking member of the Rules Committee said that Democrats will play politics and the President is going to veto this bill and, therefore, no unemployed will be benefited. I agree with him that this is tragic. It is a tragedy that Americans are not perceived to be as important to act upon as those across the seas.

We are here to pass the conference agreement on unemployment which will automatically implement provisions of the bill without the President's declaration of an emergency.

I hope that we will pass this bill.

It wasn't long ago that people generally believed that the Washington

area was recession-proof. Today's Washington Post is rife with State and local budget cuts, layoff and furlough notices, and a rising unemployment rate. In my own State of Maryland, 1,700 workers have been sent layoff notices to comply with spending cuts and thousands more may lose their jobs as a result of the domino effect. In my home county of Prince Georges, county employees will be forced to take a 2-week furlough without pay because of revenue shortfalls which directly result from the recession.

Police personnel, health care workers, and education employees will suddenly find themselves unemployed and unable to provide for their families once their initial unemployment benefits run out.

Yes, I understand we had an agreement that we would mask the deficit. Senator MOYNIHAN talked about that with respect to Social Security. That is what we are doing. There is a trust fund that was established for the purposes of helping these people who have lost their jobs, working Americans who have families, who have medical bills, and who have college expenses for their kids, and who need to keep food on the table. We have a fund to pay for those people, but, no, we dealt them out of the ball game. Why? To mask the deficit, because if we spend out of this trust fund, after all, we would not be able to count it as revenues to offset expenditures.

President Reagan signed an economic growth package in August 1981. He said that this will solve the economic problems of America, and we will have a balanced budget 8 years later. Under Republican administrations a \$362 billion deficit is confronting us, and hundreds of thousands, 300,000 a month, are added to the unemployment rolls, and we say we cannot help.

Mr. Speaker, this Democratic Congress is determined to see that Government works for people in need. This Democratic Congress wants to make sure that President Bush's callous disregard for the working American and their families is not the last word. This Democratic Congress will, if necessary, override the President's carelessness and ensure that the direct victims of this Republican recession will receive extended benefits to tide them over until this recession is indeed on an upswing.

Mr. Speaker, I ask the President to sign this bill and help these people.

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

Mr. Speaker, the two previous speakers spoke, of course, in a heart-warming way about the concerns of those who are unemployed, and certainly there is sensitivity to that. But the mere fact that there is a reason to spend more money does not justify trashing the budget agreement of last year.

Many of these same speakers speak with intensity about the so-called Reagan deficits. There are many, many justifiable reasons to be supporting new spending programs, whether they are for education, whether they are an antidrug activity, whether it is for prenatal care, or whether it is all of these very, very seductive issues. This is another one. But the question is whether we will be financially responsible, fiscally responsible to the taxpayers of this country and to our children and their children.

□ 1550

We hear that often on the floor, from the same people who speak out now and say don't worry about the deficit. Spend more. Start a new spending program.

Mr. Speaker, we have to draw the line. We must be serious about these deficits. This is the first chink in the armor, to move forward with a very appealing new spending program.

Let us keep the budget agreement. It is not going to get us back to a balanced budget, but it at least will move us in that direction, and let us be fiscally responsible for the taxpayers of this country.

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

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the majority leader, the gentleman from Missouri [Mr. GEPHARDT] to close debate on this side.

Mr. GEPHARDT. Mr. Speaker, this morning we met with the President of the United States to congratulate him for the arms control proposal he made Friday night. I urged him to go further—as we surely can—in this new world of greatly reduced instability and anxiety.

America's role as the peacekeeper in the last half of the 20th century will be much heralded and studied by historians. But this much is clear: Our unstinting acts of protection for freedom were also acts of sacrifice. As we rebuilt our weaponry, our competitors rebuilt themselves economically. We did not. And now we are in a recession.

The great casualties of the 1980's will be remembered as communism, whose passing we do not lament, and the American standard of living, whose future we must revive.

As we seek to define our future, we must ask the President this question: Where do working Americans fit in your new world order?

While he extends his hand outward to help those in need overseas, he slams it down on working families here at home.

He stops us from cutting their taxes, and insists we raise taxes on the middle class.

He stops us from helping them find health care.

He stops us from helping them send their kids to college.

And, with one stroke of his pen, the President's hand will stop us from providing them unemployment benefits when the Republican recession cost them their jobs.

This is the truth: Working Americans have no place in the President's new world order.

This morning the President's allies will make a superficial argument about a dividing line between Democrats and Republicans, between growth and recession, efficiency and compassion. But this is really an argument between reality and denial.

For the Republicans want to get us out of this recession by reenacting the very policies that sent this economy plummeting into recession.

Worse, they want to adopt these failed policies—such as cutting the capital gains tax rate for the rich—instead of helping the unemployed as they look for work. They are asking for more of the same. But I ask: Can we afford more of the same?

Can we afford more of the same when the economy has grown only 0.7 percent since President Bush took office?

Can we afford more of the same when the average person has \$350 less to spend than he did in January of 1989?

Can we afford more of the same when jobs in this country are disappearing at the rate of 9,400 per month?

Can we afford more of the same when new unemployment claims are surging to nearly half a million, when more than 2 million workers have exhausted their longterm benefits?

We cannot make the same mistakes in the 1990's we made in the 1980's. We have to change direction. We have to find a place for the American worker in the new world order. We have to learn these new lessons, and we have to remember some essential truths.

Unemployment compensation is not welfare; it is insurance, bought and paid for.

Unemployment compensation helps the economy recover from recession, because it restores the purchasing power of the unemployed.

Most of all, unemployment compensation is just: It permits workers who are looking for new jobs to feed their families after they have lost their old ones.

Our bill responds to their needs. And now we ask the President to do the same. Just as you have heeded the calls of the Egyptians, the Iraqis, the Kurds, and so many others—won't you now heed the calls of the American people?

This debate is not about unblemished veto records, it is about saving American lives.

It is not about welfare, it is about keeping faith with people who work. It is not about a false choice between growth and equity, it is the essence of growth with equity.

Chairman ROSTENKOWSKI and Chairman DOWNEY have cut through the poli-

tics and rhetoric and asked us now for months to do the right thing for millions of unemployed Americans.

Now we must rise to the occasion, join their fight, and adopt this legislation. I urge support not just for this legislation but for the idea that Congress—if not the President—will take care of the American people because emergencies at home matter just as much as emergencies abroad.

Mr. MICHEL. Mr. Speaker, today we are presented with the compromise reached by the Democrat-controlled conference between the two Houses on unemployment legislation. And, as I predicted last week, it is unacceptable to the President.

The bill contains a major repudiation of last year's budget agreement.

In that agreement, Congress and the President decided that for an emergency to be declared and spending to occur outside of the agreed-upon limits, both the President and Congress would independently have to declare such an emergency.

This legislation takes away the right of the President to independently decide whether the spending in this legislation should be declared an emergency and does it for him.

Has the majority decided the budget deal no longer meets their partisan needs?

Will we now be faced with more legislation adding to our projected \$350 billion deficit for 1992?

The majority knows its approach will be vetoed. Why do they persist in it?

I would like to remind my colleagues that Senator DOLE and I have presented both Houses with an alternative which the President says that he will sign.

This alternative provides 6 weeks of additional benefits for all States and up to 10 weeks for States with higher unemployment rates.

This alternative is completely paid for with a spectrum auction and additional debt collection measures. Therefore, it complies with the budget agreement requirement that new spending should be offset.

We have worked on technical changes to the bill since it was introduced last week to ensure that the offsets match up with the spending.

Most importantly, this alternative does not add to the deficit and does not saddle future generations with more debt.

I must oppose the costly, Democrat proposal presented to us today. I hope that we can quickly move this process forward to consideration of the Dole-Michel-Solomon proposal—so that the unemployed may receive the added benefits they deserve.

Mr. FAZIO. Mr. Speaker, President Bush, at the 1988 convention said that his Presidency would produce 30 million new jobs. Nearly 3 years into his term, George Bush has created fewer jobs than any other President since the Great Depression.

It is hard to fathom how Republican Members can summon the courage to vote today against extending unemployment insurance when we just learned that the average income for American families fell almost 2 percent last year. At a time when the number of Americans in poverty has increased for the first time since 1983.

When will the Republicans and their President face up to the fact that this recession is not over and it's not going to be over anytime soon? When will their professed compassion for millions of struggling American families be matched by their actions here on the House floor?

Republicans who oppose this measure, especially those who switch their votes to oppose it, will live with this vote for a long time to come. Their constituents will know that in the most dire of economic time that their families have known, their Member of Congress voted against extending a hand to help.

Republicans—a dedicated, domestic agenda-oriented party or a party whose President's vision of a new world order doesn't include a plan to dig Americans out of the recession here at home?

Today we'll have more evidence to make that call.

Mr. Speaker, one of my Vacaville, CA, constituents called me to say that "It's about time we did something for the people of this country and stopped sending all our money overseas."

And Mr. Phillips, a Woodland, CA, resident wrote:

I feel like an old dishrag left on the clothesline just to blow in the breeze. I am one of those people who is unemployed and has run out of benefits at the end of my 26 weeks and have not found work yet. So, what do I do? Oh yeah, I know about the extended benefits legislation that was passed and signed by George Bush and that George will not implement. I'm sorry, Vic, but your good intentions just don't spend to well at the local grocery store. I need those extended benefits.

You Congressman and Congresswomen need to figure a way to convince Mr. Bush that he and you need to concentrate on the problems facing the workers of this country, instead of worrying about sending money all over the world to bail out other governments' failures. You folks have enough economic failures right here at home to keep you busy fixing for a long time. I'm not impressed by Mr. Bush's supposed accomplishments in the world arena, although he seems to be pretty proud of himself.

Once more, the words of a constituent cut through to the heart of the issue. These people are only 2 of the nearly 9 million Americans who remain out of work, in spite of the wishful forecasting of the current administration. Although President Bush promised to create 30 million new jobs during the 8 years he hoped to spend in the White House, there are now 300,000 fewer jobs in America than there were when President Bush took office. Contrary to his campaign promises of economic growth and prosperity, President Bush has led us into economic decline.

And, even though 1 in 7 jobless Americans lives in California, the 300,000 unemployed Californians who exhausted their State benefits through July are still ineligible for extended benefits. As a result, my constituent received his last unemployment compensation check in August. His benefits are now exhausted, as he joins the ranks of middle class Americans who are slowly slipping into poverty.

We must offer aid and relief to the millions of American workers who, like Mr. Phillips, have lost their jobs in this sluggish economy.

We cannot turn our backs on American workers as they attempt to dig their way out of this Republican recession.

Mr. FORD of Michigan. Mr. Speaker, I rise today in support of the conference report on S. 1722, the Emergency Unemployment Compensation Act, which would offer an extension of benefits to jobless American workers.

Little has changed since I spoke over 1 month ago in support of extending benefits. The administration has continued to send aid overseas, while characterizing the helping hand we are extending to our own citizens as "garbage." The unemployment picture in my State of Michigan has worsened, with seven more WARN notices in September, and hundreds of families in my district slipping off the unemployment rosters and through the cracks in the system. Mr. Chairman, I hear from people in my district every day regarding this extension, people who have lost their homes, their hope, and their faith in their Government's ability to offer them any kind of relief.

Mr. Speaker, the conference report on S. 1722 is not perfect. I would have preferred to make the permanent changes that our unemployment benefits system so desperately needs, rather than just passing a temporary measure until July 4, 1992. I also would have like to have paid for this measure by increasing the Federal unemployment taxable wage base, rather than putting it on a credit card.

I support the agreement before us today because it will provide the additional benefits my constituents so badly need. In addition to the regular 26 weeks of benefits currently available, this legislation will offer 7, 13, or 20 more weeks of help, depending on the jobless rate in each State. This agreement also makes benefits after March 1, 1991, and for people who live in States like Michigan, where the unemployment rate was at least 6 percent in August or September. S. 1722 will also make workers in all other States who have already exhausted their benefits eligible for at least 7 more weeks of aid.

Mr. Speaker, when the working people of this country turn to us for help, they deserve more than empty promises. When they ask for a hand, they deserve better than a veto message. We must act, and we must act now. I urge my colleagues to support the conference report and the extension of unemployment benefits.

Mr. GILCHREST. Mr. Speaker, I rise in reluctant support of the conference report, and I request permission to revise and extend my remarks.

Mr. Speaker, here we are again trying to decide what will become of America's unemployed, and again, our choices aren't particularly pleasant, thanks to the gag rule on the part of the majority party.

The question put to us is as follows: Do we support legislation which provides the unemployed with transient relief and mortgages their future in the process, or do we ignore them entirely? And however the majority party may try to dress the issue up, that is the issue.

We can provide our unemployed constituents with a brief relief from the hardships they face, and by the way, unlike most Members of this House, these hardships aren't something I've read about; they're something I've lived.

But the Democrats have seen to it that we cannot do this without increasing Government borrowing, worsening the deficit, slowing the economy, and hurting these people's chances of reemployment.

Or we can vote against this program and hope that someday, somehow, the majority will give us a chance to pass something better. If I believed, even for a minute, that this debate was about helping unemployed people, I'd probably hold out and see if this would happen. But it is increasingly obvious that there is no wish on the part of the proponents of this bill to pass legislation that the President might sign.

Senator DOLE provided us with a means whereby we could help our constituents without violating the budget agreement. This idea so offends the majority that they will not allow it to be discussed. Congressman GINGRICH wants us to modify the Tax Code in order to create jobs and reduce unemployment. However, the Democrats respond that in a discussion of unemployment, job creation is irrelevant.

Mr. Speaker, I cannot ignore the needs of my constituents waiting for the majority to let us discuss a better package. I have to vote for anything which might help the unemployed people in my district, even if it is just a political ploy. However, it offends me that these people's plight is being played as a political card, and that their welfare is a secondary consideration in this discussion.

Mr. KILDEE. Mr. Speaker, I rise in strong support of this measure.

This is our second attempt at providing relief to millions of Americans who have been ravaged by the recession, and I hope it will not meet again with Presidential resistance.

I am amazed when I hear people proclaim that the recession is over and the economy rebounding. They argue that we don't need to spend money to help the jobless because everything is sorting itself out on its own.

I don't know what balance sheet they are looking at, but they're not looking at the world around them. Maybe our economy is on the mend—I pray in fact that it is. But right now, there are nearly 9 million Americans without jobs.

There are families who have been forced into the street for lack of jobs and assistance. And in the short month and a half since we first tried to extend jobless benefits, an estimated 300,000 more Americans lost their jobs.

My own home State of Michigan has suffered the second worst decline in the Nation. And, as winter approaches, there are an estimated 170,000 people there whose jobless benefits are about to expire.

Mr. Speaker, I commend this Congress for trying so hard to help those who have suffered so badly in this recession, and I echo the pleas of my colleagues for President Bush to join us in this effort.

The President has been considering foreign aid to Russia and Eastern Europe, where people face hardships because of political and economic turmoil.

But I would urge him, while he considers this foreign aid, to also remember the nearly 9 million Americans here at home who face equal hardship and despair.

For their sakes, for the sake of their families, I urge him to bring his focus back home.

Mr. CLINGER. Mr. Speaker, I rise in support of the conference report.

The unemployment rate in many western Pennsylvania counties is unfortunately far above the national average. In fact, two of the counties I represent have seen their unemployment rates top 15 percent in recent months.

In rural areas like Pennsylvania's 23d Congressional District, job opportunities are limited. A job that is permanently eliminated by a plant closure or a merger is not easily or quickly replaced.

In other words, the idea that these unemployed workers will have no problem finding work as the economy picks up is simply not applicable in many parts of rural America.

To give you an example from my own district, North American Philips manufactured lightbulbs in my hometown for decades. This past spring, the company closed its Warren operation and 190 people were suddenly out of work. Their unemployment benefits are now almost exhausted. The real rub is that because of the lingering recession new job opportunities to make up for this plant closing have not emerged. The 130,000 square foot facility where these people used to work remains empty. Company representatives and local economic development officers are exploring options to install a new enterprise in the plant, but it is not likely to be filled anytime soon.

Many families saw their children return to school last month. That means new shoes at the very least. Winter will be here soon. In the northeast, that means heating bills. It also means flu season and doctor bills. To a good many Pennsylvania families on the verge of exhausting their benefits, the legislation before us today offers their only hope. I urge an ye vote.

Mr. WEISS. Mr. Speaker, I wholeheartedly support the conference report on S. 1722, the Emergency Unemployment Compensation Act.

Mr. Speaker, we are in a recession. The recovery that the President has promised the Nation has failed to show. For the third quarter in a row, the Nation's gross national product has declined; 8.5 million hard-working Americans are without jobs, and with little prospect for finding new ones any time soon.

While the President has put in long hours on his foreign policy agenda, he has forgotten about the United States. In the 3 years that the President has been in office, the total number of Americans working has decreased. The American economy, suffering from neglect, has slipped into recession, a recession that gives no indication of ending any time soon. The President has clearly indicated that he will do nothing to help American workers; if this is truly the case, then we here in Congress must act.

The measure before us is a modest one. It is the very least that we can do. As the recession drags on more than 2 million Americans have had their unemployment benefits expire, and with each delay in passage the number increases.

In New York State the numbers are frightening. With an unemployment rate of 7.5 percent, over 200,000 unemployed workers have exhausted their benefits. Nearly half of these workers live in my home of New York City,

where, in August alone, more than 16,000 workers had their benefits expire, and there is no reason to expect that the numbers for September, to be released in a matter of days, will be anything but a continuation of the current situation.

Mr. Speaker, the recession continues. With millions of Americans jobless through no fault of their own, with the prospect for new employment dim, and a Government that seems to say that it does not care about them, it is time to act. Let the President show his level of concern for American workers; we in the House will do what must be done, and will override his promised veto.

Mr. MOODY. Mr. Speaker, I can hardly believe that we are being asked by the minority to delay and deny unemployment benefits to the unfortunate working people of this Nation in order to promote another tax giveaway to the richest Americans.

Once again we are being fed the typical line about capital gains tax cuts—it is apparently the panacea, the solution to every problem in America.

I wonder if there is any problem facing this Nation that our colleagues on the other side of the aisle think cannot be solved by lowering taxes on the richest Americans?

Let's you have forgotten, let me review a few facts for you about broad-based capital gains tax cuts.

More than any other policy idea, broad-based capital gains tax cuts symbolize the idea of trickle-down economics. Middle America is rightfully wary of this formulation for improving their lives after losing economic ground for the last decade.

In 1988, for example, capital gains income made up 25 percent of the income of the richest 1 percent of U.S. households in 1988. These are the people that would reap the greatest benefits from the proposed amendment. Households earning more than \$200,000 would receive 66 percent of the benefits.

But for 90 percent of the population, from the very poor to the middle income to the upper-middle income, capital gains contributes less than 1 percent of their income.

This is a typical approach to solving problems for many Republicans.

There are ways to get tax breaks directly to those who need it most, without reliance on trickle down. Expanding use of IRA's to include education and downpayments is one idea many Democrats have been pushing.

We are also working on a middle-income tax relief plan that will put money in the pockets of the millions of working families that have lost ground in the last decade.

Finally, I will soon be introducing, along with my colleague, Mr. MATSUI, a targeted capital gains tax cut that encourages new investment and new job creation; it does not give a windfall to old investments as the minority whip's plan would do. Moreover, our plan targets smaller businesses, those that have the most difficulty in gaining access to traditional sources of capital.

Mr. Speaker, we have gone months without action while our unemployed workers suffer. The President has cynically refused to act on the last bill we sent him, though he signed it into law. Let us reject these delaying tactics

and support final passage of the unemployment benefits bill, today.

Our unemployed need help now. It is time to stop playing politics. It is time to stop looking for fig leaves for a budget agreement that has become woefully out of date, especially when working men and women are in such pain now.

We must pass this bill, and we must urge the President to sign it.

Ms. PELOSI. Mr. Speaker, working Americans need our help and they need it now. Despite the administration's claim that the recession ended in April, long-term unemployment continues to rise rapidly. Many people have reached the end of their unemployment benefits and many others face that problem in the near future.

The President claims that he has a domestic agenda. He also claimed, when he was nominated for President, that he would create 30 million new jobs during 8 years in the White House. The reality is that there are now 300,000 fewer jobs in America than when George Bush took office.

At a time when there are no new jobs being developed and many people are losing their current ones, the President refuses to provide needed unemployment benefits to American workers. We in Congress have a chance today to help American workers. The agreement we are considering would make unemployment benefits available for up to 20 additional weeks, depending on the unemployment rate in the State. The bill would also provide at least 7 additional weeks of benefits to all workers who have exhausted their benefits.

Until the President figures out how to jump start our ailing economy, the least he can do is provide unemployment benefits to people who are suffering from his policies. I urge my colleagues to support this conference report and to work to override the President's expected veto of this important bill.

Mrs. COLLINS of Illinois. Mr. Speaker, once again the Congress is going to send the President a bill to extend jobless benefits for those unemployed whose benefits have run dry, and once again President Bush has threatened to veto this, as he would put it, "garbage." Mr. Speaker, I'm still trying to figure out what we have to do to get some relief for the working men and women of this country. Maybe the Seventh District of Illinois should secede from the Union and then we'll get a little bit of the President's attention.

The President claims that this bill is not necessary because we are on the road to a robust economic expansion. And anyway, there are plenty of jobs out there if someone really wants to work. Well, Mr. Speaker, it's a little difficult to raise a family on the money earned peddling slurpies at the local 7-Eleven.

I am glad to see the President is getting out around the country a little more. What a beautiful scene that was with the President in front of the Grand Canyon. Unfortunately, we don't have very many attractive photo opportunities in my district these days. What we do have, Mr. Speaker, are a lot of people who are down on their luck and having difficulty buying in to the President's economic plan.

The great recovery of 1991 has yet to reach inner-city Chicago. In fact, unemployment is running over 60 percent in some pockets of

my district. And, while the administration keeps singing its song of economic expansion, the unemployment lines continue to snake their way out the doors of the local benefit offices and down the street.

Mr. Speaker, let's forget about the budget agreement, and economic indicators, and housing starts, and statistics for a moment. What this issue boils down to is a matter of simple compassion for those working men and women who have put their faith, and their tax dollars, into the unemployment system in the hope that it would be there for them in their time of need.

S. 1722 would allow up to 20 weeks of extended unemployment compensation for those long-term unemployed whose benefits have run out. We cannot simply pass over these Americans in the name of preserving the budget agreement. While the need to keep last year's budget accord intact is important, it is, after all, just a scrap of paper. Just a scrap of paper that sits on a shelf collecting dust. Those unemployed Americans and their families, however, are living, breathing flesh and blood. We did it for the Kurds, and the Israelis, and the Bangladeshis. Sometimes, you just have to break the rules, Mr. Speaker, and I'd say now is the time. I urge my colleagues to support the conference report.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in support of the conference agreement to S. 1722 which extends unemployment benefits to those who are experiencing economic hard times.

While I still do not agree fully with the procedures involved with passing this bill, I feel under this conference agreement we are moving in the right direction. I feel it is important to extend these benefits, but only through this recession cycle.

Let me briefly describe what S. 1722 would do. The legislation is a temporary program with three tiers of benefits beyond the regular 26 weeks of benefits. A State which is experiencing a total unemployment rate of 8 percent or greater would receive 20 additional weeks of benefits. A State whose total unemployment rate is at least 7 percent would receive an additional 13 weeks of benefits. All other States will receive an additional 7 weeks of benefits. This legislation would become effective from October 6, 1991, to July 4, 1992, and it would reach back to qualify those who have exhausted benefits since March 1, 1991. The legislation goes on to allow ex-servicemembers the same 1-week wait and 26 weeks of regular benefits as civilians receive.

Mr. Chairman, many people in my State of Connecticut and my Fifth Congressional District have been hit hard by this economic downturn. I hear many stories of how my constituents are being adversely impacted.

For instance, a single mother who had a promising career is laid off and now has to make the choice between a mortgage payment and food for her children. A small businessman who has been a good credit risk and who makes payments cannot get a needed loan to buy new equipment. These are the individual problems people face each day in my community. We in Congress must make it our responsibility to take the lead and look to find legislative solutions for these adversities.

Extension of jobless benefits is a temporary, but critical, step to allow more opportunities to

find work. But we must not allow this to become a bandaid approach. This extension is only part of the solution. It is vital that we look toward the future and bring legislation to this floor which will be a catalyst to the economy and create jobs. We must plant the economic seeds now to generate real long-term growth and opportunities.

Mr. Speaker, I rise in support of the conference agreement and urge my colleagues to join me and initiate legislation to spur our economy and alleviate the unemployment dilemma.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

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

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 300, nays 118, not voting 14, as follows:

[Roll No. 285]

YEAS—300

Abercrombie	Davis	Hefner
Ackerman	de la Garza	Henry
Alexander	DeFazio	Hergert
Anderson	DeLauro	Hertel
Andrews (ME)	Dellums	Hoagland
Andrews (NJ)	Dicks	Hochbrueckner
Andrews (TX)	Dingell	Horn
Anunzio	Dixon	Horton
Anthony	Donnelly	Houghton
Applegate	Dooley	Hoyer
Aspin	Dorgan (ND)	Hubbard
Atkins	Downey	Huckaby
AuCoin	Durbin	Hughes
Bacchus	Dwyer	Jacobs
Bellenson	Early	Jefferson
Bennett	Eckart	Jenkins
Bentley	Edwards (CA)	Johnson (CT)
Berman	Edwards (TX)	Johnson (SD)
Bevill	Emerson	Johnston
Bilbray	English	Jones (GA)
Boehrlert	Erdreich	Jones (NC)
Bonior	Espy	Jontz
Borski	Evans	Kanjorski
Boucher	Fascell	Kennedy
Boxer	Fazio	Kennelly
Brewster	Feighan	Kildee
Brooks	Fish	Kleczyka
Browder	Flake	Kolter
Brown	Foglietta	Kopetski
Bruce	Ford (MI)	Kostmayer
Bryant	Frank (MA)	LaFalce
Bustamante	Franks (CT)	Lancaster
Byron	Frost	Lantos
Camp	Gallo	LaRocco
Campbell (CO)	Gaydos	Laughlin
Cardin	Gejdenson	Leach
Carper	Gekas	Lehman (CA)
Carr	Gephardt	Lehman (FL)
Chapman	Geren	Lent
Clay	Gibbons	Levin (MI)
Clement	Gilchrest	Levine (CA)
Clinger	Gillmor	Lewis (FL)
Coleman (TX)	Gilman	Lewis (GA)
Collins (IL)	Glickman	Lipinski
Collins (MI)	Gonzalez	Lloyd
Condit	Goodling	Long
Conyers	Gordon	Lowey (NY)
Cooper	Guarini	Luken
Costello	Gunderson	Machtley
Coughlin	Hall (OH)	Manton
Cox (IL)	Hamilton	Markey
Coyne	Harris	Marlenee
Cramer	Hatcher	Martin
Darden	Hayes (IL)	Martinez

Matsui	Peterson (MN)	Smith (NJ)
Mavroules	Pickett	Smith (OR)
Mazzoli	Pickle	Snowe
McCurdy	Poshard	Solarz
McDade	Price	Spratt
McDermott	Pursell	Staggers
McGrath	Rahall	Stallings
McHugh	Ravenel	Stark
McMillen (MD)	Ray	Stearns
McNulty	Reed	Stokes
Mfume	Regula	Studds
Miller (CA)	Richardson	Swett
Mineta	Ridge	Swift
Mink	Riggs	Synar
Moakley	Rinaldo	Tallon
Molinari	Ritter	Tanner
Mollohan	Roe	Tauzin
Moody	Roemer	Thomas (GA)
Moran	Rogers	Thornton
Morella	Ros-Lehtinen	Torres
Morrison	Rose	Torricelli
Mrazek	Rostenkowski	Towns
Murphy	Roukema	Traficant
Murtha	Rowland	Traxler
Nagle	Roybal	Unsoeld
Natcher	Russo	Upton
Neal (MA)	Sabo	Vento
Neal (NC)	Sanders	Visclosky
Nowak	Sangmeister	Volkmer
Oakar	Savage	Walsh
Oberstar	Sawyer	Washington
Obey	Saxton	Waxman
Oliver	Scheuer	Weiss
Ortiz	Schroeder	Weldon
Orton	Schumer	Wheat
Owens (NY)	Serrano	Whitten
Owens (UT)	Sharp	Williams
Pallone	Shuster	Wilson
Panetta	Sikorski	Wise
Patterson	Siskis	Wolpe
Paxon	Skaggs	Wyden
Payne (NJ)	Skelton	Yates
Pease	Slatery	Yatron
Pelosi	Slaughter (NY)	Young (AK)
Perkins	Smith (FL)	Young (FL)
Peterson (FL)	Smith (IA)	Zimmer

NAYS—118

Allard	Green	Parker
Archer	Hall (TX)	Penny
Armey	Hammerschmidt	Petri
Baker	Hancock	Porter
Ballenger	Hansen	Quillen
Barnard	Hastert	Ramstad
Barrett	Hayes (LA)	Rhodes
Barton	Hefley	Roberts
Bateman	Hobson	Rohrabacher
Bereuter	Hunter	Roth
Bilirakis	Hutto	Santorum
Bliley	Hyde	Sarpaluis
Boehner	Inhofe	Schaefer
Broomfield	Ireland	Schiff
Bunning	James	Schulze
Burton	Johnson (TX)	Sensenbrenner
Callahan	Kasich	Shaw
Campbell (CA)	Klug	Shays
Chandler	Kolbe	Skeen
Coble	Kyl	Slaughter (VA)
Coleman (MO)	Lagomarsino	Smith (TX)
Combest	Lewis (CA)	Solomon
Cox (CA)	Lightfoot	Spence
Cunningham	Livingston	Stenholm
Dannemeyer	Lowery (CA)	Stump
DeLay	McCandless	Sundquist
Dickinson	McCollum	Taylor (MS)
Doolittle	McCrery	Taylor (NC)
Dornan (CA)	McEwen	Thomas (CA)
Dreier	McMillan (NC)	Thomas (WY)
Duncan	Meyers	Valentine
Edwards (OK)	Michel	Vander Jagt
Ewing	Miller (OH)	Vucanovich
Fawell	Miller (WA)	Walker
Fields	Montgomery	Weber
Gallegly	Moorhead	Wolf
Gingrich	Nichols	Wylie
Goss	Nussle	Zeliff
Oxley	Packard	

NOT VOTING—14

Crane	Holloway	Olin
Derrick	Hopkins	Payne (VA)
Dymally	Kaptur	Rangel
Engel	McCloskey	Waters
Ford (TN)	Myers	

□ 1618

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I unavoidably missed rollcall vote 285, the conference report on the extension of unemployment benefits. Had I been present, I would have voted "aye."

I spoke in favor of this bill on the floor just before the vote, and last week I voted for it as well. If the President should veto this bill, I will vote to override his veto.

#### PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I was unavoidably detained in my district in Los Angeles. Unfortunately, I missed three rollcall votes. For the record, I would like to state that, had I been present, I would have voted as follows:

Rollcall vote 283—"aye."

Rollcall vote 284—"aye."

Rollcall vote 285—"aye."

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3039, DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. No. 102-230) on the resolution (H. Res. 231) providing for the consideration of the bill (H.R. 3039) to reauthorize the Defense Production Act of 1950, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. No. 102-231) on the resolution (H. Res. 232) waiving all points of order against the conference report on 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, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

□ 1620

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Tuesday, October 1, 1991, to file a conference report on the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2622, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Tuesday, October 1, 1991, to file a conference report on the bill (H.R. 2622) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes.

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

There was no objection.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, on September 16 I was unavoidably detained and missed rollcall votes 258, 259, and 260. Today my plane was late and I missed the vote on rollcall vote 283. Had I been present, I would have voted "aye" on all of those rollcall votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3334

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California [Mr. DELUMS] be removed from the list of cosponsors of H.R. 3334.

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

There was no objection.

NOTIFYING MEMBERS OF PLANS OF COMMITTEE ON RULES WITH RESPECT TO H.R. 3371, OMNIBUS CRIME CONTROL ACT OF 1991

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

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members of the Rules Committee's plans with respect to H.R. 3371, the Omnibus Crime Control Act of 1991.

The Rules Committee plans to meet Thursday, October 10, to take testimony on the bill. To assure fair consideration, the Rules Committee is considering a rule that may structure offering of amendments.

Mr. Speaker, any Member who contemplates offering an amendment to H.R. 3371 should submit 55 copies of the amendment by 5 p.m. on next Monday, October 7. The committee offices are in H-312 in the Capitol.

It is my understanding, Mr. Speaker, that the Judiciary Committee will make available in their offices advance copies of the bill to Members and staff preparing amendments. An advance copy will be available as early as Thursday, October 3.

Mr. Speaker, I have sent a "Dear Colleague" letter to all offices explaining our intentions on this bill. We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I am happy to yield to the gentleman from New York.

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

Mr. Speaker, I have not seen a letter or a request for a rule. Has there been one yet? If so, what kind of rule is being asked for?

Mr. MOAKLEY. Mr. Speaker, we have not received it. We have been notified that a rule will be forthcoming.

Mr. SOLOMON. If the gentleman will yield further, our committee will take it up on Thursday, October 10. And when did the amendments have to be in, filed?

Mr. MOAKLEY. Monday, October 7.

Mr. SOLOMON. Monday, October 7?

Mr. MOAKLEY. The gentleman is correct.

Mr. SOLOMON. I thank the gentleman for letting us know.

CORRECTING ENROLLMENT OF S. 868, VETERANS' EDUCATIONAL ASSISTANCE AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 63) directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 868, and ask for

its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. STUMP. Mr. Speaker, reserving the right to object, and I shall not object, I do so to yield to our distinguished chairman for a brief explanation of the concurrent resolution.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. Further reserving the right to object, I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, the purpose of this concurrent resolution is to make purely technical corrections in S. 868 as passed by the Senate on August 2 and the House on September 16. The references in that bill to sections of title XXXVIII, United States Code, do not reflect the changes made in the numbering of title XXXVIII sections by Public Law 102-83, which was signed into law on August 6, 1991. This resolution would update the bill in order to make the necessary corrections in those references.

Mr. STUMP. Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 63

*Resolved by the Senate (the House of Representatives concurring.)* That, in the enrollment of the bill (S. 868), to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike out "section 1413" and insert "section 3013".

(2) In section 2(b)(1), strike out "section 1631(a)" and insert "section 3231(a)".

(3) In section 2(b)(2), strike out "section 1631(a)(2)" and insert "section 3231(a)(2)".

(4) In section 2(c), strike out "section 1711(a)" and insert "section 3511(a)".

(5) In section 4, strike out "section 2014(b)(2)(A)(i)" and insert "section 4214(b)(2)(A)(i)".

(6) In section 5, strike out "section 2011(f)" and insert "section 4211(4)".

(7) In section 6, strike out "section 1780(a)" and insert "section 3680(a)".

(8) strike out "section 1795" each place it appears and insert "section 3695".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on Senate Concurrent Resolution 63, the Senate concurrent resolution just concurred in.

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

There was no objection.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
September 30, 1991.

Hon. THOMAS S. FOLEY,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:30 p.m. on Monday, September 30, 1991 and said to contain a message from the President on Budget Authority Deferrals in accordance with the Congressional Budget and Impoundment Control Act of 1974.

With great respect, I am

Sincerely yours,

DONALD K. ANDERSON,  
Clerk, House of Representatives.

## DEFERRALS OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-143)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of Monday, September 30, 1991, at page S 13975.)

□ 1630

## VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order this evening in lieu of a 5-minute special order forthwith.

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

There was no objection.

## TRIBUTE TO MILES DAVIS

(Mr. RITTER asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. RITTER. Mr. Speaker, my colleagues, on Saturday one of the great musicians of the 20th century passed away. I am talking about Miles Davis, the trumpet player, composer, and teacher.

Miles Davis probably had a greater influence on contemporary American music in this century than anyone. Certainly his innovations, his constantly changing styles, have had a profound influence on American musical culture. America is really the world leader in musical culture, and in that sense Miles Davis was a world leader as well.

I would hope that Members of this body could join me on Wednesday evening after the conclusion of House business for a special order taken on behalf of Miles Davis to call attention to the tremendous contributions that he made to the United States of America and to music in this century.

[From the (Allentown, PA) Morning Call,  
Sept. 29, 1991]

JAZZ LEGEND MILES DAVIS DIES AT 65  
PNEUMONIA AMONG CAUSES OF FAMED TRUMPETER'S DEATH  
(From Call News Services)

SANTA MONICA, Calif.—Miles Davis, one of America's finest jazz trumpeters and the most consistent trendsetter in jazz history, died yesterday. He was 65.

Davis died of pneumonia, respiratory failure and stroke, Dr. Jeff Harris said in a statement read by Pat Kirk of St. John's Hospital and Health Center, where Davis was admitted earlier this month.

Davis was the most famous trumpeter in his generation, in the line that stretched from Louis Armstrong to Dizzy Gillespie to Wynton Marsalis.

He was the innovator of more distinct styles than any other jazz musician. He pioneered in cool jazz, hard bop, modal playing, free-form explorations and use of electronics.

"You can really say he turned the whole jazz world around," said Leonard Feather, a longtime friend and author of "The Encyclopedia of Jazz."

"He just had a guiding principle: Move ahead . . . Don't do what you were doing yesterday," Feather said.

"He played some of the most musical passages ever played on the trumpet, some of the most beautiful, intervals you just don't hear any more," said trumpeter Clark Terry, who took Davis to jam sessions in St. Louis when Davis was a teen-ager.

"He seemed to be able to turn anything into something good," said drummer Max Roach, a long-time friend. "He was musically one of the restless ones, constantly seeking."

He was an astounding spotter and developer of talent, providing the springboard that brought many players to prominence. Tony Williams was just 18 when Davis hired him in 1963; Herbie Hancock was 23 when he joined the same year.

Davis has the respect and admiration of musicians but every time he changed direction his audience divided between loyal and disenchanted listeners. He ignored them.

In his 1989 autobiography, "Miles," he wrote: "To be and stay a great musician you've got to always be open to what's new,

what's happening at the moment. You have to be able to absorb it if you're going to continue to grow and communicate your music."

Davis was a fascinating figure because of his enigmatic personality, seemingly remote and arrogant; his thin body and striking face; his angry statements about white people though he often hired white musicians; his whispery, raspy voice—which came after he yelled at somebody following 1956 surgery to remove polyps on his vocal cords.

"A lot of people thought he was a salty, cool cat," Terry said. "He was totally a real pussycat. Once you got past that facade of 'Don't touch me, get away from me,' he was a pussycat."

Davis was plagued by illness much of his life, at various times battling diabetes, pneumonia, a stroke, and hip joint problems caused by sickle cell anemia. He broke both legs in an auto accident in 1972. He wrote in his autobiography that he overcame heroin addiction in the early '50s but continued to use cocaine until 1981.

Miles Dewey Davis III was born in Alton, Ill., on May 25, 1926, son of a dentist and a music teacher. When he was 2, the family moved to nearby East St. Louis, Ill.

He got his first trumpet from a family friend as a child and was playing professionally at age 15.

Davis moved to New York in 1944, at 18, to locate Dizzy Gillespie, one of his early trumpet heroes, and saxophonist Charlie Parker. When Gillespie left Parker's combo, Davis replaced him. He also attended the Juilliard School for a year.

In 1947, he began a long and successful relationship with Gil Evans, an arranger who knew how to provide a framework for Davis' distinctive sound.

In 1948 he left Parker and, looking for a lighter, subtler, tuneful sound in jazz, he established a nine-piece band, including Gerry Mulligan, Lee Konitz, John Lewis and Roach. They recorded "The Birth of the Cool."

That influential album ushered in cool jazz and set the stage for the chamber jazz that followed. It included Davis' best composition by that time, "Boplicity."

But when cool jazz became popular, Davis turned his back on it and surrounded himself with bebop players. He became the founder of hard bop.

In the 1950s he played spare jazz with all irrelevance purged. And he made records with lush orchestral settings, some of the earliest successful orchestral jazz.

In 1955 his sensational improvisations, lyrical and tonally pure, creating excitement without screaming, made him the hit of the Newport Jazz Festival.

He then created a groundbreaking quintet with drummer Philly Joe Jones, bassist Paul Chambers, pianist Red Garland and saxophonist John Coltrane. Saxophonist Cannonball Adderley later made it a sextet.

By 1959, he had tired of bop. He made records that used scales instead of chords as structure, which greatly influenced jazz of the 1960s.

In 1963, he brought in Williams on drums, Hancock on piano, Ron Carter on bass, and later added saxophonist Wayne Shorter. This combo, recording on electric instruments, became as influential as the 1955 quintet. Their "Bitches Brew," the album that sparked the jazz-rock or fusion of the 1970s, became Davis' best-selling album and brought jazz record sales out of the doldrums.

His trumpet played melodic improvisations or fragment bursts over electronic instru-

ments and rock-influenced rhythm, creating the climate for much of what followed in popular electronic music.

Davis' strength in early and middle years came from a singing tone—soft, rich, intimate, best in the middle register, his ability to put intensity and tension in the music and original rhythmic and melodic ideas. Later, he increasingly played in the upper register.

After 1968, the personnel in Davis' groups became less stable, because of his temperament and periods of inactivity. He didn't play at all between 1975 and 1980. He brought in some fine experimentalists, Chick Corea, Joe Zawinul, Dave Holland, John McLaughlin, Keith Jarrett, Airto Moreira, Billy Cobham and Jack De Johnette.

Many listeners weren't as thrilled by the musicians he used in the 1980s. And many didn't like his detachment from the audience during concerts, his refusal to acknowledge applause, going offstage between solos, pointing the trumpet at the floor and turning his back on the audience, not announcing musicians or titles.

"I play for myself and I play for musicians," was all that Davis would say publicly about his antics.

In August he was made a chevalier in the French Legion d'Honneur. Minister of Culture Jack Lang called him "the Picasso of jazz."

In what could well be an epitaph, Land said that Davis "has imposed his law on the world of show business; esthetic intransigence."

Davis married and divorced dancer Frances Taylor, singer Betty Mabry and actress Cicely Tyson. Survivors include a daughter, Cheryl; sons, Gregory, Miles IV and Erin; brothers Vernon and Joseph; sister Dorothy Davis Wilbur; and four grandchildren.

Memorial services were being planned for New York and East St. Louis, Ill., Kirk said.

#### TRIBUTE TO BRIG. GEN. CLARA LEACH ADAMS-ENDER

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, Fort Belvoir is a large, sprawling Army base just across the river in Fairfax County. Fort Belvoir just got a brandnew commanding general.

General West was an exceptional leader, but there is something exceptional about this new commanding general. For one, this commanding general is an African-American, and for another, even more newsworthy, this commanding general is a woman, now the highest ranking woman in the U.S. Army.

Mr. Speaker, yesterday I had the distinct pleasure of a visit from Brig. Gen. Clara Leach Adams-ENDER, commanding general of U.S. Army Post Fort Belvoir and deputy commanding general of the Military District Washington.

General Adams-ENDER is an extraordinary individual who can truly be considered as a trailblazer for women serving in the Armed Forces of our Nation. A graduate of the North Carolina Agricultural and Technical State University, she was commissioned as a 2d lieutenant in the U.S. Army Nurse Corps in 1961.

As a Nurse Corps officer she enjoyed a superior career, serving in various staff positions in the Medical Department of the Army and rising through the ranks in instructional and administrative billets. She found time to improve herself through pursuit of higher education by obtaining a masters in surgical nursing from the University of Minnesota and masters in Military Science from the prestigious U.S. Army Command and General Staff College. Her skills in both nursing and administration were recognized by her superiors when, in 1987, she was promoted to the rank of brigadier general and was selected as the Chief of the U.S. Army Nurse Corps.

As Chief of the Nurse Corps, she directed the efforts of over 20,000 Army nurses in the Active Duty, Guard, and Reserve and her efforts in coordinating the efforts of over 25,000 Army medical personnel stationed in theater during Operations Desert Shield and Desert Storm have been well-documented. Her leadership as Chief of the Army Nurse Corps resulted in her being awarded the Legion of Merit and the Distinguished Service Medal.

Her brilliant career did not end here—although by normal standards it should have. Because by law the Chief of the Army Nurse Corps is a 4-year tour of duty—with retirement the end result—General Adams-ENDER was facing the end of a long and exemplary career after over 30 years service. But her expertise and leadership skills were of such quality that her retirement was put on hold for the good of the Army, and she was selected by (then) Army Chief of Staff Carl Vuono to command the U.S. Army Post at Fort Belvoir.

It is not unusual for any of the military services to promote individuals of exceptional ability to positions of greater authority. But for the U.S. Army to select—for the first time—a nurse to command one of their premier line facilities is a tribute to both the skills of General Adams-ENDER and the wisdom of the U.S. Army.

General Adams-ENDER is the best advertisement available that the U.S. Army is truly a place where one can "be all they can be." As we continue to debate the role of women in our military, we should hold out individuals like her—individuals who, when given the chance, can perform at the very highest levels of professionalism and dedication. I look forward to working with her in her role as commanding general at Fort Belvoir on issues of mutual importance to the U.S. Army and the Eighth Congressional District of Virginia.

#### GALLEGLY INTRODUCES LEGISLATION TO STOP ILLEGAL ALIENS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, America is a land of immigrants. Our proud cultural heritage and democratic traditions are the product of a rich blend of peoples gathering here from all over the world. In my native California, our way of life has been enhanced by the influx of Latinos, Asians, and other foreign immigrants who have settled there. The enactment of major immigration reforms in recent years attests to our continuing strong commitment to equal opportunity and our belief that newcomers legally entering our shores will benefit America's economic, social and cultural future.

Immigration, however, is not always a positive force for our country. In spite of improvements in the immigration law and stepped-up efforts to police the border and arrest undocumented aliens, the problem of illegal immigration is a serious one throughout southern California and the border States, as well as in many other areas throughout this country. After several years of decline, largely as a consequence of the ban on hiring illegal aliens and stiff penalties on employers who flout the provisions of the Immigration Reform and Control Act of 1986, the number of arrests of illegals is rising to the pre-1986 level of 1.8 million a year. INS officials have told me there may be as many as 3 million illegal aliens residing in southern California alone.

Many cities and towns are being overrun with immigrants, both legal and undocumented, who pose additional economic and law enforcement problems. Congregating groups of out-of-work immigrant day laborers seeking temporary or nonexistent jobs in suburban communities have created public disturbances, disrupted small businesses, jammed traffic and, in some instances, endangered the physical safety of women and children.

Many illegal aliens are involved in drug trafficking across the border and violent gang activities in our communities, posing a major threat to families and neighborhoods and straining the capacities of immigration authorities and local law enforcement. Other illegals place themselves on the welfare rolls, largely through the use of fraudulent documents, further burdening community facilities and depleting already strained county resources.

The illegal alien problem is essentially economic. If conditions of poverty were improved south of the border or jobs were not available in the United States, there probably would not be a crisis today in many States. Many of us in the Congress believe that the North American Free-Trade Agreement now being negotiated by the Bush administration will help to stimulate the economy of Mexico and improve United States trade with that country, thereby creating more jobs in both countries.

There is no question that the INS lacks the resources necessary to perform its job properly. Despite Federal budgetary constraints I do not understand the consistent opposition of many of my colleagues to providing adequate funding so that the Border Patrol can stop the flood of illegal aliens crossing our borders.

The easy availability of fake birth certificates, driver's licenses, Social Security cards and other documents contributes to this crisis, enabling millions of aliens to enter this country

illegally, to drop out of sight in many American cities and to steal jobs and benefits at the expense of citizen workers and taxpayers. In addition, some employers make no real effort to check documents, preferring instead to take advantage of cheap labor.

Finally, illegal aliens are able to obtain unemployment insurance and educational, medical and welfare assistance unlawfully—benefits and free services far more generous and more accessible here than in their native lands. Taking adequate care of their own legal residents is difficult enough for local communities and taxpayers, without the added burden of providing assistance to illegals.

Mr. Speaker, in order to address this difficult and complex issue, I am offering today a legislative package designed to tighten our immigration laws. The five bills I am introducing tackle five basic problem areas.

First, they will strengthen Federal resources by increasing Border Patrol manpower and training, stepping up wage and hour enforcement, adding Assistant U.S. Attorneys assigned to illegal alien cases, enhancing penalties for harboring, and promoting negotiations with our neighbors to stop the smuggling of illegals.

Second, they will crack down on document fraud by requiring secure new "green" cards and new Social Security cards only for those immigrants eligible for employment in the United States.

Third, they will provide needed assistance to employers by authorizing education programs on the law and simplifying their responsibilities by reducing and improving required identification documents.

Fourth, they will cut off welfare and other benefits to illegal aliens.

And finally, they will discourage illegal day laborers by permitting the impoundment of vehicles used in the transportation of illegals for employment purposes.

Let me describe my bills in greater detail.

First, the Immigration Document Fraud Prevention Act of 1991 would require new counterfeit-resistant and tamper-proof registration and identification cards to be issued to all permanent resident aliens eligible to work in the United States. Replacing the old "green" cards, these cards must be renewed every 5 years upon surrendering the old cards and payment of a \$35 user fee. The card must contain the bearer's photograph or other identifying information.

Under this bill the Justice Department, in conjunction with the Labor Department, the Small Business Administration and the Internal Revenue Service, would provide a nationwide program to educate employers on the uses of the new cards and their legal responsibilities.

The penalty for immigration fraud would increase from 5 to 10 years' imprisonment, plus fines.

The Attorney General, working with the Secretary of Health and Human Services, would conduct a demonstration project to determine the feasibility and effectiveness of a computerized call-in worker verification system for employers.

Second, the Improved Immigration Law Enforcement Act of 1991 would strengthen the Border Patrol by increasing the positions from about 3,800 at present to 6,600 by 1993 and

by increasing funding for equipment and support services and improving inservice training.

The bill would strengthen enforcement of the wage and hour laws by adding 250 positions in the Labor Department's Wage and Hour Division assigned to areas of high concentration of undocumented aliens.

The penalty for harboring illegal aliens would be increased from 5 to 10 years in prison and/or fines.

The bill would also direct the Attorney General and the Secretary of State to undertake negotiations with our neighboring countries to establish programs to stop the illegal smuggling of undocumented aliens into the United States.

Third, the Employer Sanctions Improvements Act of 1991 would require new tamper-proof Social Security cards for immigrants authorized to work in the United States on a temporary basis only. The new cards would be provided upon application, proof of identity, verification of status and payment of a \$25 user fee. The new card is not to be considered a national identity card and would only be presented to verify an alien's work eligibility.

Under the bill the Justice Department, working with the Department of Labor, the Small Business Administration, and the IRS, would conduct a nationwide program to educate employers on the new card's uses and their legal responsibilities.

Fourth, the fourth bill would prohibit giving any Federal benefits, including unemployment and welfare, to illegal aliens. An almost identical bill has been introduced in the other body by Mr. EXON of Nebraska.

A study by the Center for Immigration Studies estimates that U.S. taxpayers paid at least \$5.4 billion in direct benefits in 1990 for illegal aliens nationwide. That study did not even include such abused government programs as Social Security, Medicare, food stamps, and unemployment compensation. Nor did it include the extra costs for police, fire, courts, parks, and transportation services that are spent on illegal aliens. When those major costs are included, the total bill to the taxpayers skyrockets.

In Los Angeles County alone, the estimated net cost of illegal aliens rose by almost \$70 million during the past 2 years to \$276.7 million—a 34-percent increase largely caused by lax enforcement of employer sanctions, the lack of adequate forces to patrol our borders, and the other factors I have tried to address in this legislation.

Fifth, the Illegal Alien Transportation Prevention Act of 1991 would add language to current law to prohibit the transportation of illegal aliens for purposes of employment by anyone with the knowledge or reckless disregard of the fact that the alien is in this country in violation of the law and cannot be hired legally. This proposal will help to stop the widespread problem created by illegals who congregate in California communities such as Agoura Hills and Santa Clarita looking for day work who are picked up and dropped off at various locations by suburban residents and contractors seeking temporary cheap labor.

A brief word about the costs of this legislation. I believe that the new tamper-proof registration and identification cards and Social

Security cards will be paid for largely through user fees of \$35 and \$25 respectively. I estimate that employer education will cost around \$5 million and the additional personnel and in-service training programs for the Border Patrol will cost slightly in excess of \$50 million for fiscal year 1993. However, I also believe that the problems created by illegal aliens are of such magnitude that the expenditure of Federal funds is justified. Moreover, the savings that should be realized from enactment of these bills, especially the costs of police, housing, education, health care and other services, unemployment compensation, and welfare benefits that are imposed on hard-pressed government at all levels, should more than pay for the measures I am proposing.

Mr. Speaker, I am pleased that the INS, at my urging, has established a task force in my district of agents who will target for investigation both illegal aliens seeking employment and the homeowners and small contractors who routinely hire them.

While such a task force will help to eliminate impromptu job centers for illegal day laborers in many areas and reduce tensions between unemployed legal immigrants legitimately seeking work and the communities, much more must be done to combat the increasing problem of illegal immigration and illegal aliens. I believe that my five bills will help to alleviate the crisis in California and elsewhere. I hope that the House will take prompt action and pass this legislation.

#### THE REALITY OF ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, about 10 days ago I came to the well of the House with a guest article or editorial by a southern California doctor named Dr. Flesh, a rather unusual name for a doctor of medicine. He had been an abortionist for years and had done abortions up through the second trimester. To use Supreme Court terminology, that would be the 4th, 5th, and 6th months of pregnancy.

I said there had been a furor at the Los Angeles Times in the editorial office because combined with his very thoughtful article as to why he would no longer do any abortions of any kind whatsoever because he wanted to go back to practicing his Jewish faith in good conscience, they had put a picture with this article of a 4½-month fetus, looking for all the world like a growing baby in the mother's womb. This had caused great consternation, both the guest editorial by Dr. Flesh and the fact that according to some people in the L.A. Times offices, they said that this adds insult to injury to show this picture.

Well, last week I did not have the opportunity on the floor to show the cover of Time magazine, dated September 30, that is yesterday, but we all know that the news magazines, except for Aviation Week, date their maga-

zines 1 week ahead to keep them current on the newsstands; so there is a new provocative Time magazine cover about the beginning of the end of nuclear confrontation between the world's two superpowers. So this is a week old and you will not see it on the stands, but this is the September 30, yesterday's date.

It says, "Bush's Shoving Match With Israel," that is the small title above the Time banner.

Then it says, "How a Dazzling Array of Medical Breakthroughs Has Made Curing Infertility More Than Just a Dream."

There is a picture, almost an identical picture, the way we use poor unprofessional camera coverage on this House floor, Mr. Speaker, both planning an empty Chamber when we know a million and a half people are watching and bad camera work when we have charts and graphs up here, to satisfy the desires of two Speakers ago to cripple the distinguished Member, the gentleman from Georgia [Mr. GINGRICH] who will be following me with a special order. Stay tuned. So I have to hold this in real close to my face.

Do you see that, America?

Do you see that, Mr. Speaker?

Do you see that, any people in the Chamber here? Looks like a human being, does it not?

Do you know why this little 4½-month-old fetus looks like a human being sucking its thumb? Do you know why it looks like a human being? Because it is a human being, because if you believe in God, the soul is probably already there, meaning God has ordained into existence, with the parents in cooperation with God either willingly or unwillingly to create a human being with an immortal soul.

Take a look at that, I ask the gentleman from Texas [Mr. PICKLE]. Look at that human being on the cover of Time magazine.

For eternity this child's immortal nongenderized soul is brought into existence, sucking its thumb. The heart has been beating since day 18 to 20. The brain waves have been showing since day 40, and that little human being—are you listening, SUSAN MOLINARI, if anybody in SUSIE MOLINARI's office is watching, call her to the television, Mr. Speaker, so she can see this. The same in TOMMY CAMPBELL's office, one of our California freshmen.

Look at this. That is a human being, TOM, SUSIE. There it is, a real human being sucking its thumb, and we kill this baby in that month, the next month and the next month and the next month, the next month and the next month, right up to the ninth month, especially in Wichita, KS, if ex-Navy pilot, Dr. Killer Tiller, has anything to say about it. You heard it here in this well. He is going to give up doing abortions. He does not like the grief, he told another Member of Con-

gress, but he does not want to give it up right away. He will kill a few more of these for 3 or 4 months before he gives up the practice, so that the pro-life rescuers will not get credit for Dr. George Killer Tiller's giving up his two abortuaries in Wichita where he specializes in killing 5-, 6-, 7-, 8-, and 9-month pregnancies that look at lot more developed than this little fetus infant sucking its thumb, alive and healthy in its mother's womb.

Remember, and I will close on this, Mr. Speaker, that what medical researchers who are into Frankenstein fetal research, what they want are not spontaneous, that is, what we call miscarriages, we lay people. They want perfect little persons, perfect fetuses, and the more in development, the more they are beyond this image into the fifth, seventh, eighth, and ninth month, the more they want to abort those little fetuses to get at their bone marrow, to spin down their livers into a puree to inject into people with no hope of success, since they never saved anyone with that process at Columbia or UCLA. That is what we are up against in America, and we are not changing our Republican Convention platform next year, Mr. Speaker, not if this Member has anything to do about it.

#### THE DEFENSE MANUFACTURING AND CRITICAL TECHNOLOGIES ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Ms. HORN] is recognized for 5 minutes.

Ms. HORN. Mr. Speaker, our manufacturing sector continues to lose jobs. Worker productivity remains constant. Our trade imbalance soars. In the meantime, our international competitors continue their aggressive efforts—often assisted by their governments—to move forward in high-technology industries. We must stop getting in the way of our businesses and industry and move forward with constructive measures to develop critical technologies.

We as a nation have excelled in expanding the frontiers of science. But we have fallen behind in applying these scientific discoveries to consumer products and to increasing industrial efficiency and productivity. Because of this, our international competitiveness has suffered.

Last week, I introduced the Defense Manufacturing and Critical Technologies Act of 1991. This represents a first step toward closing the gap between us and our competitors in the manufacturing sector. It will strengthen manufacturing technology in defense-related industries by establishing a broad manufacturing extension program to aid small- and medium-sized businesses.

It also will help us to retain and augment our position in the 22 critical technologies as essential to advanced technology in the 1990's and the 21st century. These technologies, identified by the Office of Science and Technology Policy, represent the cutting edge of high-technology areas from aerospace

to computers to biotechnology. Critical technology partnerships and application centers will help to secure our ability to utilize high technologies. In addition to large companies, small- and medium-sized firms must be able to determine which high-technology discoveries are available to help their firms become more efficient or competitive.

The time to act on this is now. During the past decade or more we have lost the consumer electronics market to Japan. VCR's, walkmen, stereo components, and televisions represent inventions discovered in America, but manufactured elsewhere. Our basic manufacturing industries have likewise been allowed to decay. This legislation will provide industries with the help they need to develop American inventions into marketable products here, where our businesses can reap the profits of these inventions and our workers can find productive good paying jobs. We cannot afford to lose more products invented here, and the markets and profits that go with manufacturing them, to our international competitors. Our future prosperity and standard of living depend on producing our own. In addition, our national security and foreign policy independence rely on our ability to manufacture critical weapons components within our borders. We must ensure that we are able to supply our defense needs here.

With this legislation, our Nation can regain its world leadership in advanced technology and essential manufacturing. To do nothing is to write off our Nation's, and our children's, future.

#### HONORING HOMEBUILDER NAOMI SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I would like to call my colleagues' attention to a truly outstanding woman, Naomi Joyner Smith.

A native of Mississippi, Mrs. Smith made quite a name for herself in my hometown of Meridian, where she became known as the first female homebuilder in the State of Mississippi.

Thanks to her hard work, and management abilities, there are several hundred homes in Meridian today which provide affordable housing for the local citizens. One of the most popular areas she developed is Druid Hills subdivision.

Throughout her life, Mrs. Smith has been dedicated to her church and family. She also has been a successful real estate agent.

I wanted to make my colleagues aware of the entrepreneurial spirit, and accomplishment, of Mrs. Smith.

#### LEGISLATION TO DECLARE 1991 AS THE YEAR OF THE BAY AND OCTOBER 1991 AS NATIONAL SEA-FOOD MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce two House joint resolutions, one designating 1991 as the "Year of the Bay" and one designating October 1991 as "National Seafood Month." I am pleased to introduce these resolutions in conjunction with the 10th annual Morro Bay Harbor festival which will focus public awareness on the importance of preserving our sensitive bays and estuaries, like Morro Bay, CA.

One of the most significant marine ecosystems along the Nation's west coast, Morro Bay's diverse and extensive habitat provides for numerous marine invertebrates and migrating birds. These habitats include threatened and endangered species, such as the California sea otter, seven endangered species of whales, and four species of sea turtles which deserve special attention from the community and Government.

Since 1870, when the city of Morro Bay was established, the bay has played a significant part in providing for the surrounding community. The bay's public piers accommodate not only local fishermen and pleasure boats, but also support many other industries such as commercial fishing fleets, electric generation, and tourism. The protective environment and plentiful resources that the bay provides are crucial to the community's economic stability.

Unfortunately, Morro Bay is threatened by a variety of pollutants and serious sedimentation. The festival, with its theme "Bounty of the Bay," will help promote the maintenance of this delicate environment and highlight the unique qualities of the bay. As local and nationwide organizations interact with individual citizens at the festival, all participants will become increasingly aware of the special value of the bay.

Due to its exceptional qualities, and its importance to the community and Nation as a whole, Morro Bay has gained much recognition. Its unique and sensitive environment has led Congress to consider legislation I have introduced that would include the bay in the National Estuary Program and would designate the area as a national marine sanctuary.

I am also introducing legislation to acknowledge October 1991 as National Seafood Month. Protecting and promoting seafood is directly related to the concern and importance of bays across the Nation. Morro Bay is one of the few natural harbors and active fishing villages on the west coast, and provides for many dedicated, hard working fishermen. Contaminants threatening the health of the bay are a serious danger to their livelihoods.

The fishing industry also remains an important part of our Nation's heritage and commerce. As the Nation grows more health conscious, an increasing number of Americans are turning toward the nutritious benefits of seafood. This new awareness reflects the industry's ability to grow and play a significant role in our Nation's commerce.

Declaring 1991 the Year of the Bay and October 1991 National Seafood Month will serve to raise awareness across the Nation as to the importance of preserving our sensitive marine ecosystems and developing comprehensive solutions to the problems which threaten the health of our bays. While individual bays are

unique and special in their own ways, they all possess qualities that contribute to the Nation and deserve the recognition of Congress. I urge my colleagues to join me in this effort by supporting these resolutions.

A copy of the resolution follows:

H.J. RES. 338

Whereas the Congress recognizes the spectacular scenic, aesthetic, and recreational value of the Morro Bay estuary in California;

Whereas Morro Bay promotes the economic viability of commercial fishing fleets by offering protective habitat and nutrient sources essential to the productive fisheries of the region and supports many other industries which are dependent on the health of the Bay, such as tourism, electric generation, and mariculture;

Whereas Morro Bay is an unusually diverse estuary that supports one of the largest bay wildlife habitats on the California coast, offering refuge to about 25 threatened or endangered species of Pacific fish and providing a critical sanctuary along the Pacific flyway for migratory birds;

Whereas the health of the Morro Bay estuary directly affects the quality of life on the central coast of California;

Whereas the California ship "Californian" will make port at the Morro Bay Harbor Festival to promote the Year of the Bay and conduct Coastal Awareness Day to promote bay stewardship;

Whereas Bounty of the Bay, the theme of the 10th annual Morro Bay Harbor Festival, will focus public awareness on one of the few natural harbors and active fishing villages on the west coast by highlighting seafood, the fishing industry, and the diversity of Morro Bay marine life and coastal lifestyles;

Whereas the festival will serve as the commencement for the week-long State of the Bay conference, which will focus on the past, present, and future of the Morro Bay estuary and watershed;

Whereas Morro Bay has been nominated by California Governor Pete Wilson for inclusion in the National Estuary Program; and

Whereas designating 1991 as the Year of the Bay will raise awareness across the Nation as to the importance of preserving sensitive marine ecosystems and developing comprehensive solutions to the problems which threaten the health of the Nation's bays: now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, These 1991 is designated as the "Year of the Bay", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the year with appropriate ceremonies and activities.*

H.J. RES. 339

Whereas Congress recognizes that seafood is a "nutrient-dense" food offering large quantities of protein and significant amounts of vitamins and minerals, without high levels of fats and calories;

Whereas the commercial fishing industry employs more than 350,000 workers in the United States;

Whereas the most recent figures show that the commercial fishing industry contributed more than \$16,000,000,000 to the nation's annual gross national product;

Whereas the 10th Annual Morro Bay Harbor Festival will be held the first weekend in October to celebrate one of the few natural harbors and active fishing villages on the west coast by showcasing seafood, the fishing industry and the diversity of Morro Bay

marine life and coastal lifestyle: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October, 1991 is designated as "National Seafood Month", and the President is authorized and requested to issue a proclamation calling on all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.*

#### SAVE WOMEN'S LIVES—FIGHT BREAST CANCER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York, Mrs. LOWEY is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, today we kick off national Breast Cancer Awareness Month. Across the Nation, Americans will take time out to learn about this deadly disease, which is the most common form of cancer in women. One of nine women born in the United States will develop breast cancer in her lifetime. In 1991, an estimated 175,000 women will develop breast cancer and 44,500 women will die from this ruthless killer.

These statistics are devastating, so much so that many choose to ignore them. But Breast Cancer Awareness Month is not about ignorance; it is about taking action, and one of the most positive actions we can take is teaching women how to detect breast cancer early, when we know that treatment is more successful. In fact, it is estimated that, with early detection, breast cancer deaths could be reduced by 30 percent. That's 10,000 lives a year.

One of the best early detection methods available to us is mammography. While public education efforts are helping convince women that mammograms are an important early detection tool, a recent General Accounting Office study revealed wide variation in quality standards of mammography.

I can think of no better way to achieve the goals of national Breast Cancer Awareness Month than by being an original cosponsor of legislation which will ensure that mammograms are safe, reliable, and of the highest quality.

The Breast Cancer Screening Safety Act will require the Secretary of Health and Human Services to develop national quality standards for all mammography facilities. In doing so, there is little doubt that women's lives will be saved. That, coupled with a renewed commitment by Federal health care agencies to finding treatments for breast cancer, will help make the dream of eradicating this disease a reality.

Women have waited far too long for their Government to respond to critical health care needs. In the process, families have suffered the loss of mothers, sisters, and daughters which could have been avoided if health research had given these problems the attention they deserve. This year, we have an opportunity to turn that around. For the sake of our families, we should not let this opportunity escape.

PRESENTATION OF CONGRESSIONAL GOLD MEDAL FOR LAURENCE ROCKEFELLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, last Friday at an impressive ceremony in the Roosevelt Room at the White House, President Bush bestowed the Congressional Gold Medal on the Honorable Laurence Rockefeller for his outstanding service to our country.

This is the first Congressional Gold Medal for a conservationist, and it could not go to a more deserving American. Laurence Rockefeller has lived a noble life as one of America's premier conservationists, as well as participating in joint ventures that stressed the strengths of our free enterprise system.

Not content to enjoy a family fortune, Mr. Rockefeller has invested in America in a hundred ways, especially in the Caribbean and at the Yosemite National Park and, along with Lady Bird Johnson, in the beautification of our Nation's Capital. His service has been unique, quiet, profound, productive, and caring.

Generous to a fault, Mr. Rockefeller has given of his talents and resources to make America a more livable and enjoyable Nation.

Mr. Speaker, 100 years from now we will look back on the contribution of Mr. Laurence Rockefeller—and all the Rockefeller family—and praise the goodness of this family.

President Bush saluted Mr. Rockefeller for his outstanding service and complimented him personally for his dedication to American principles in his unassuming and dignified manner. Mr. Rockefeller responded in an impressive, poised, and dignified manner. For the RECORD, I am including both the remarks of President Bush and Mr. Rockefeller, as follows:

REMARKS BY THE PRESIDENT

A thousand apologies for keeping you waiting. One of Pickle's colleagues and Jay's colleagues up there. Good to see you, sir.

Well, please be seated and welcome all, and again, apologies for keeping such a distinguished group waiting. But let me just salute our distinguished visitors. We have with us a member of our Cabinet Secretary Lujan; Chrm. Bill Reilly; Senator Rockefeller; and Jack Pickle, Congressman; and all of you.

But today we gather to bestow a rare honor on a splendid American. Fewer than a 100 times in our nation's history has the Congress ordered a unique gold medal struck to honor one of our citizens. This is the first time America presents a Congressional Gold Medal to recognize a leader in natural resources conservation and historic preservation.

We honor a loving husband, father and grandfather. We honor a quiet, gentle man whose life and work sum up a century of American civic virtue.

Laurence Rockefeller, as everyone here knows, including me, shies away from the limelight. Though his modesty ennobles him,

I regret that young Americans don't yet know as much as they should about him. As our young people learn more about Laurence Rockefeller's life and example, they will feel the excitement of seeing a hidden national treasure come to light.

From his earliest years, he's combined enthusiasm for conserving our heritage with brilliant entrepreneurial talents. His imagination and steadfast effort have transformed some technological commonplaces of our lives. For Laurence Rockefeller is this America's century's foremost trailblazer in the venture capital business.

At the dawn of commercial aviation, he invested the seed money that turned Captain Eddie Rickenbacker's dream into a pioneering passenger airline. And then a young engineer in St. Louis named James McDonnell had an idea for a jet fighter with an air-cooled engine. Mr. Rockefeller provided "Mr. Mac" with venture capital that grew into one of the world's first and greatest aerospace corporations.

Even our youngest generation will recognize a more recent triumph of Laurence's venture capital philosophy. Not many years ago, his partnership helped discover and launch a young dreamer with an offbeat name for a personal computer. I refer, of course, to Apple's founder, Steve Jobs, one of the heroes of young American enterprise.

If anything surpasses his love for innovation, it is his passion for conserving priceless national treasures and historic legacies of our civilization. As a policy leader and philanthropist, Laurence Rockefeller has enabled millions of Americans to enjoy the beauty of the Virgin Islands National Park, the Grand Tetons of Wyoming and the Palisades Interstate Park System.

He also has labored to make our city parks and buildings and boulevards a special kind of "great outdoors." He's done tremendous work for the environmental quality of New York City, notably in his efforts for Central Park, the Bronx Zoo, the New York Aquarium.

And I have a personal reason for gratitude to him. When I first came to Washington as a freshman congressman in the '60's, our great capital city suffered from a certain air of neglect in this regard. And that was when he, Laurence Rockefeller, was joining our gracious First Lady, Lady Bird Johnson, in efforts to beautify our Nation's Capital.

Over the years since then, it's been my pleasure to witness firsthand their magnificent work in making Washington truly a beautiful world capital. In all of his conservation efforts, Laurence Rockefeller has been emphatic in believing that our natural resources are for both conservation and use; they're the setting in which people can develop and strengthen their own humanity.

Completing the expansive scope of his work is the compassion and generosity that he's shown over many years as a board member and a benefactor of memorial Sloan-Kettering Cancer Center. Victory over once-deadly forms of cancer owe much to his selfless philanthropy.

So, sir, on behalf of Congress—normally I don't speak for Congress—laughter—but on behalf of Congress—I'm permitted to do that in this regard—I present you this medal because your life and work do give honor to America. And as long as this piece of gold glistens, may grateful Americans remember how you devoted mind and soul to labors of love for our great country. Congratulations, sir.

REMARKS BY LAURANCE S. ROCKEFELLER

Thank you, Mr. President. I am deeply grateful to you for taking time to present this Medal to me on behalf of the Congress of the United States.

I accept it gratefully and humbly—and on behalf of those who helped so much to make it possible—Grandfather, Father, my brother, Nelson, my wife, Mary; and, more recently, our son, Larry; as well as my distinguished associates who, over many years, have been an all-important factor in any achievements recognized today.

In fact, as of now, I am but one member of the Family whose heritage of conservation spans five generations.

This, I am told, is the first Congressional Gold Medal to be awarded to a conservationist. It underscores the fact that it honors not primarily an individual—but also recognizes the environmental movement come of age.

Conservation has increasingly become a part of the Nation's agenda over the past half century. It was not long ago when concern for the land, air, and water was considered important, but not as a high priority.

Now we know that concern for the environment and access to parks and open space is not frivolous or peripheral; rather, it is central to the welfare of people—body, mind and spirit.

In response to this now deep-felt public awareness, the Congress for more than two decades has enacted dramatic environmental legislative achievements. You, Mr. President, more recently and importantly, have shown the way by your leadership in the new Clean Air Act, your support for an increased Land and water Conservation Fund, your goal to plant one billion trees a year for ten years, and other important accomplishments.

But we cannot rest on our laurels. Much remains to be done. Environmental quality should be high on our national agenda, for we face new and urgent challenges around the world.

In these times of budget austerity, we must seek, as you have said, Mr. President, new and innovative ways to involve the private sector.

For example, in Woodstock, Vermont, Mary and I are working with Secretary of the Interior Lujan and National Park Service Director Jim Ridenour in combining public-private resources to create the marsh Billings National Historical Park. The Vermont Congressional delegation is cooperating with us in a fully bi-partisan manner.

If Congress approves, the park will interpret the contributions of George Perkins Marsh and Mary's grandfather Frederick Billings, to the creation of a conservation ethic in America. It is our hope that the Park will become a center for interpreting the evolution of such values.

Mr. President, I thank you for adding so greatly to today's event, and I thank the Congress of the United States for making it possible.

I accept the Congressional Gold Medal as eloquent evidence of our long-term commitment as a nation to conservation and a quality environment world-wide.

Thank you!

Mr. PICKLE. Mr. Speaker, it is good that we take time to thank people who have given so generously of their time and their talent and their resources.

□ 1640

This was the occasion last Friday that was good for our country, for our

President, to say "Thank you" to a family that has meant so much to this Nation.

#### ECONOMIC GROWTH ACT: EMPLOYMENT, NOT UNEMPLOYMENT

The SPEAKER pro tempore. (Mr. HAYES of Illinois). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] will be recognized for 60 minutes.

Mr. GINGRICH. I thank the Speaker. Mr. Speaker, I want to speak today on employment and unemployment because I think the American people need to see two parallel activities that are going on in the Congress today. One activity is the question of how power works in a legislative body, what bills are allowed to come up, what bills cannot come up.

The other activity is two philosophies about how you create jobs, how you encourage people to work, and how you have a healthy economy. I think it is fascinating, if you have been watching the last few weeks, the Democratic leadership has clearly decided that they want to make unemployment an issue. They believe that they have President Bush in trouble on unemployment and if only they talk about unemployment long enough somehow they will once again be the party that cares and the party that takes care of people and that folks will not look below the surface slogans.

And yet, if you look at what has been going on, there are two big questions to ask. One is: If the No. 1 goal is to take care of the people who are unemployed, why is the Democratic leadership refusing to bring to the floor a bill offered by the Republican leader in the House, Mr. MICHEL, and the Republican leader in the Senate, Senator DOLE, a bill which would be signed by the President which would extend unemployment for 10 weeks, which would send the checks out, which would actually help people who currently do not have a job and which would be passed tomorrow?

I am absolutely confident that the Republican leadership would be willing to work with the Democratic leadership to pass a 10-week unemployment bill, the Dole-Michel bill, to get it out to the country, to pass a bill which, by the way, happens to pay for itself.

One of the major differences between the Republican bill and the Democratic bill is that the Democratic leadership bill does not pay for itself. It is just another \$5 billion in the deficit. But the Republican bill actually has a fee to pay for it, a spectrum fee of new radio frequencies that are going to be made available by the Defense Department as part of the process of going through the changes we are now going through. That part of the spectrum was going to be auctioned off for a fee, and that fee would pay for the unemployment.

So the Republican bill is absolutely fiscally responsible, pays for the unemployment that is going to be sent out, meets the budget agreement and at the same time would actually give 10 weeks of payments to the unemployed.

But there is a deeper issue. How are we going to get the economy growing again? How are we going to make sure that when the unemployment is extended and finally runs out and—nobody is suggesting we are going to have unemployment in perpetuity—nobody is suggesting we just send checks forever, so sooner or later we are going to come to the end of the unemployment checks.

What proposal do we have to create jobs?

Now, the President had a job creation proposal in January 1989 in his State of the Union. It would have created about 500,000 new jobs. It was defeated by the Democratic leadership in October and November 1989. The President came back in 1990, and he had two job-creating proposals. He had an initial proposal in January in the State of the Union; the Democratic leadership killed it. Then during the budget negotiations they proposed a separate, different approach which would set aside \$12 billion to invest in new factories, new plants, and creating new jobs. Again, the Democrats killed it.

This January the President proposed another Job Creation Act. It has not gotten anywhere. The Democrats keep bottling it up.

So, in order to try to break out of that, Senator PHIL GRAMM and I introduced the Economic Growth Act.

The Economic Growth Act was designed to meet all of the objections about helping everybody. First of all, it helps senior citizens. The Economic Growth Act would allow senior citizens to earn an additional \$8,000 a year without being punished by social security if they want to keep working, something which most senior citizens feel strongly about. At 65 years of age they have been punished by Social Security when they want to keep working.

So the Economic Growth Act has a provision for taking care of senior citizens, allowing them to keep working.

Second, we have a tax credit for families under \$43,000 income, we provide a tax credit of up to \$1,000 against the cost of their down payment on their first home.

Well, \$43,000 is hardly rich. \$1,000 tax credit is a lot of money against the down payment on that mortgage. It is estimated by the home builders that the Economic Growth Act would lead to 220,000 additional sales a year.

Now, 220,000 additional families moving into their first home is a big change in the economy; it creates more jobs and, equally important, it gives that working couple something to look forward to, something to dream about,

to allow them to be in a position where they can take care of themselves and where they can actually become part of a stable community, owning a home, having a place to raise a family.

Third, we allow in the Economic Growth Act the Gramm-Gingrich bill, we allow everybody in America to have an individual retirement account with after-tax money which is a tax-free buildup. That is, the interest would be added on without any taxes being paid on the interest. Everybody could have one. And if you kept your account for 5 years, you could use it for health, education, housing or retirement.

So the Economic Growth Act allows you, in effect, to have a savings account with a tax-free buildup of your interest without having to pay any taxes on the interest and you could spend it on health, education, housing, or retirement if you kept it in the account for 5 years.

We go a step further as part of our pro-family policy and as part of our pro-housing policy: We allow parents and grandparents to take their individual retirement account out and loan it to their children or grandchildren so they can buy their first home.

But there is a step further: We also extend permanently the research and experiment tax credit which allows American companies to invest in the scientific research which is necessary if we are going to compete in the world market, if we are going to compete with Germany, Japan, and Korea.

But there is another step: We add to all of that a cut in the capital gains tax to encourage building new factories, to encourage people to go out and to invest in new jobs, buy new machinery, create new businesses, to have new savings. It is estimated that that provision would create 1,100,000 additional jobs, and we index future investment so that people would never again pay tax on inflation. We provide that in the future, if you save, if you invest, if you create, you do not have to pay tax on the inflation.

That again would encourage people to do the right things to create economic growth.

Beyond that we create 75 enterprise zones, an idea which has been sent up to this Congress and killed by the Democratic leadership for at least 15 years. For 15 years now we have been saying, "Now, look, if you truly want to help the poorest Americans in the inner city, if you truly want to help the poorest Americans in rural America, then let's create some enterprise zones where there is a tax incentive to build factories, to create jobs, to locate offices, to do the things that will put people back to work," because the best answer to unemployment is employment. The best answer to unemployment is not a check from the Government; the best answer to unemployment is a job, a real job, a permanent job, a job that will last.

In addition, the Economic Growth Act contains a provision called an economic growth dividend. What that suggests is very simple: If the economy is stimulated by all the different things I have described, if the economy starts to really grow again, if we get above 3 percent real growth, under the economic growth dividend, you would have the additional revenue to the Government and, as the economy grew, as more money came into the Government, everything above 3 percent real growth would go back to the individual as an increased personal deduction.

Now, why do we do that? We do it for two reasons: First of all, we believe, as Congressman FRANK WOLF has said, in the bill he has introduced that has many, many cosponsors, that is a pro-family bill, it is that if you increase the personal deductions, start moving back toward the level back in Harry Truman's day and in constant dollars related to real income, it would be about \$7,000 apiece today. You would be able to get a \$7,000 deduction to truly offset taxes, if we had the same kind of pro-family, pro-child deduction we had when Harry Truman was President.

So we first of all want to have a pro-family part of this bill that encourages people, enables families to stay together, that enables families to take care of their children.

Second, we want to establish the precedent that money that you create by your hard work, by your savings, by your investment, does not automatically belong to the Washington bureaucracy.

We want to establish the precedent that economic growth, as it creates more revenue, should not automatically lead to you seeing your money go into more welfare state, more bureaucrats, more redtape, more Washington offices.

□ 1650

So, we establish the precedent for the future that above 3-percent real growth in the economy; all the additional money comes back to them as an increased personal deduction.

To summarize: the Economic Growth Act would create about 1,100,000 new jobs according to economists. It would stimulate the economy, getting us moving again, get us out of this recession. That, by the way, is more new jobs than the hard-core unemployed. So, it would actually do more to help the hard-core unemployed by creating jobs than the Democratic effort to extend unemployment.

In addition, the Economic Growth Act would lead to 220,000 additional home sales a year, helping couples buy their first homes, get to live in a neighborhood, giving them a chance to create a little nest egg for their own future to help raise their family.

Now we come to the Democratic leadership. With the help of the gentleman

from New York [Mr. SOLOMON], the ranking member on the Committee on Rules, we came to them again and again. We have now gone three times asking them to please make in order the Economic Growth Act so we can both extend unemployment with the bill the President would sign, the Dole-Michel bill, and we could create new jobs so, as the unemployment began to run out, we would be in a position for people to get real jobs, to have a chance to go to work. The Democratic leadership seems committed to stopping any economic growth created within the framework of the free enterprise system.

I find it absolutely fascinating that we live at a time when in Russia, and Lithuania, Latvia, and Estonia we now see centralized bureaucratic command economies disintegrating. We see people beginning to talk about private property, and free enterprise and having incentives for work, and for investment and for savings. I find it intriguing that the Poland, and in Hungary and in Czechoslovakia people are beginning to talk about free enterprise, and how do we create jobs, and how do we build factories, and how we have incentives for new investment to buy new machinery.

Even in Sweden—for my entire lifetime Sweden has been the hallmark of the modern bureaucratic welfare state, and people have looked at Sweden, and academics have said, "Oh, Sweden is the model. Sweden is where the welfare state has really been tried." Well, several Sundays ago the Swedish Socialist Party suffered its worst defeat since 1928. That is right. In Sweden, the heartland of modern socialism, the absolute showcase of the welfare state, the centerpiece of bureaucratic government in its modern form; in Sweden today the taxpayers are saying:

"Hey, wait a second. Taxes are too high. Government is too inefficient. Redtape is too infuriating. The whole system isn't working. We're not creating enough new jobs, enough new take-home pay," and there is now a taxpayer revolt in Sweden, and the Swedish Socialist Party just suffered its worst defeat in 63 years.

Then we come to America, and in America tragically the Democratic Party just does not seem to be able to understand what is happening. We now live in a world where the mayor of Moscow is to the right of the mayor of New York, or, to put it differently, the mayor of New York is to the left of the mayor of St. Petersburg, since that is what we are now once again calling a city which was temporarily called Leningrad.

I happened to read over the weekend an absolutely fascinating book called "Minority Party, Why Democrats Face Defeat in 1992 and Beyond," by Peter Brown. I recommend this to everybody, but I just want to cite a couple of

quotes in here, from Democrats by the way.

Peter Brown understands the middle class Democratic exodus as well as anyone in America. Unless we radically change our ways, we are potentially looking at an unbroken string of Republican presidencies.—Bruce Babbitt, 1988 Democratic Presidential candidate, former Arizona Governor.

Second example:

Traditional Democratic voters have abandoned the party in droves to vote for Republican presidents because they believe the Republican Party will protect them and their economic interests.—Senator Joseph Lieberman, Democrat of Connecticut.

What is he talking about in this book? Talking about a very simple fact. Most Americans know that, if we have a free enterprise system, and we encourage people to work, and we cut taxes, and we encourage people to have take-home pay, and we encourage people to build new factories, and we encourage people to own family farms, and we encourage people to go out on their own and have the courage to invest for 20 and 30 years to build a small business so that they have a little nest egg, that that is what drives America, that this is not a country driven by its bureaucracy, and, frankly, in the long run it is not a country driven by unions and big corporations. Big corporations, which is the center of unionism, tend to shrink the total number of jobs.

I say to my colleagues, if you read the newspapers, whether it's IBM, or General Motors, or Ford, or any set of large corporations, large corporations over time hire fewer people. They tend to replace people with computers, and machinery and finding ways to slenderize, if you will, their payroll. The creators of jobs in America are entrepreneurs and small businesses, the baby businesses that become the real businesses of the future, and I think it is in that setting you have to ask the question: What are the policies that create growth? What are the policies that encourage people to save, and invest and have a better future? And the tragedy, I think, of the modern Democratic Party and the Democratic leadership in the Congress is that they are too jealous of job creators to encourage them to create jobs. They are too worried about stopping people from creating wealth to allow people who are creating wealth to create jobs, and the result has been that for almost 3 years now, for over 2½ years, the Democratic leadership has stopped every effort President Bush and the Republicans have made to pass an economic growth package and to try to stimulate the economy to grow, and the result is we now have the slowest growth rate of a Presidential term since Franklin Roosevelt's first term.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I could not help but listen to the gentleman from Georgia [Mr. GINGRICH] discuss his view of economics in America, his sense of history in the country and his sense of direction about where we ought to be going. Once again he tends to always give credit for everything that is right to the White House and ascribe blame for everything that is wrong to the U.S. Congress.

I was over here just a little while ago speaking on the subject of extended unemployment benefits, and I was hanging around and listening to the debate afterwards. I realized that a lot of people were talking, and really not anyone was connecting very much.

Some of what the gentleman from Georgia [Mr. GINGRICH] says I agree with. Unfortunately, we generally do not select the best of all idea in this House. I say to the gentleman, "I agree with you that we ought to have a package that deals with growth economics. I don't disagree with that at all and I don't think that replaces our responsibility to respond to today's problems. But should we be concerned about growth? You bet we should. Where we disagree is not on IRA's or the deductibility of interest on loans for education. There's a whole range of things that I think we should probably do to try to help people. Where we disagree is that your package of growth economics is most often a package that has as a hood ornament driving this big vehicle capital gains. Perhaps you now call it something different, but it's still capital gains."

Mr. GINGRICH. No, I call it capital gains.

Mr. DORGAN of North Dakota. OK, and, if I might just describe once again for those who listen the effect of capital gains:

If you go back to the kind of proposal that's been offered by the White House and been supported by you and others, it's going back to the same old notion that it we simply will help the rich, the rest will all be better off. Now, I have asked for study after study on this, and the results are exactly the same. If you go back to the old capital gains approach, it's not cutting taxes for mom and pop businesses. Over 80 percent of the capital gains tax cut benefits will go to those who have capital gains year after year in multiple transactions. The tax cuts will go to Donald Trump and other folks who are involved in that kind of business who already make an enormous amount of money. Yet, your proposal says what we ought to do to stimulate economic growth in America is give these folks even more money because they'll use it in a productive way to make all of us better off.

Mr. Speaker, I would just like to ask the gentleman from Georgia [Mr. GINGRICH] a question. I do not disagree with the hypothesis that we ought not be

taxing inflation generally, nor do I disagree with the hypothesis that the rich have had plenty of tax cuts in the last decade. And it seems to me that we ought not rush to see how quickly we can decrease their taxes even more. What about a proposal that I have offered in bill form and have talked about on the floor of the House that says, "You think capital gains is stimulative, you think capital gains treatment for at least the sale of some assets that people have held for a long period of time makes some sense. What about suggesting that we will allow a \$200,000 bracket of income in a taxpayer's lifetime to be treated as preferential income for capital gains?"

In my judgment, this approach will give most of the folks out there some benefit when they sell a capital asset like a farm or business, that they have held for 20 years. But it's not going to give away the bank vault to the richest of the rich in the country.

Would the gentleman entertain an approach like that that I think would make some sense and would not cost nearly the kind of revenue which your proposal is estimated to lose. Would the gentleman think that would have some stimulative effect on this country's economy?

Mr. GINGRICH. Let me just say a couple of things, and then I will yield to my friend from Florida.

First of all, I have proposed and suggested strongly today that we do have immediate problems of unemployment, and that is why I was hoping that the Democratic leadership would agree to pass the Dole-Michel bill, which would in fact be signed by the President. As the gentleman knows, the Democratic bill is going to be vetoed by the President and sustained in the Senate, and, therefore, it is not going to become law. So, I agree we have real problems. I was hoping we could pass a real bill that could be signed.

Second, I offered the Economic Growth Act in the Committee on Rules and on the floor of the House as an amendment to the unemployment bill, not a substitute. In other words, we would send down both extended unemployment and a job creation bill, and the Democratic leadership blocked that.

□ 1700

Third, I am a little surprised when you described the capital gains advantage purely as that of people who own stock, because my impression is that small farmers—

Mr. DORGAN of North Dakota. I did not say that.

Mr. GINGRICH. Or that the major advantage went to people who were very, very rich.

Mr. DORGAN of North Dakota. I mentioned farmers and small businesses.

Mr. GINGRICH. As good things.

Mr. DORGAN of North Dakota. Yes.

Mr. GINGRICH. I would just suggest to you that what we do in our bill is modestly reduce the capital gains to around 19 percent and index it for the future so we are not taxing inflation. But I think what is fascinating and what you have to confront—and this, I think, is a fundamental disagreement—is that under the Treasury accounting and under almost every private accounting I have seen, capital gains changes make money. They create more jobs, and they create more wealth. They increase the revenue to the Government; they do not cut the revenue of the Government. And in fact, it is only on Capitol Hill where the Democrats hire and fire the staffs, where the Joint Tax Committee and the Congressional Budget Office have the kind of computer model that implies that people do not change their behavior. The Joint Tax Committee, which has a Jimmy Carter Treasury official as its head, has a model which is the equivalent of having a model which says that airplanes cannot fly, they are all made of lead.

So I would argue—and the Treasury agrees with this—that the capital gains proposals in the Gramm-Gingrich bill and the Economic Growth Act actually would increase revenue to the Government by about \$6 billion, so we would actually have more money coming in because we would be encouraging the right behavior.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. Let me yield to the gentleman from Florida first, and then I will yield further to the gentleman from North Dakota.

Mr. STEARNS. Mr. Speaker, I wanted to thank my distinguished colleague, the gentleman from Georgia, and just address this question: I keep hearing this on the House floor. We keep talking about capital gains for the rich.

Any person in America who works hard and saves his or her money and delays gratification, after 20 or 30 years, is going to build up a certain amount of money, and we want to encourage that. When you say, "the rich," and you keep talking about or you may be insinuating it is a Wall Street broker or somebody who is a Donald Trump, it is the average person who at one time in his life is going to be rich. He is going to be rich that one time when he is going to sell his or her assets so they can retire. They can either move from up north and come down to Florida, because everybody in America maybe one time in their lives, if they delay gratification, if they work hard and save something, is going to be rich. And why not give them a break? Why should the Government take 33 percent of their money after you add

the broker's fee and then you add the lawyer's fees, and in some States, for example Connecticut, there is a 7-percent capital gains tax? So 51 to 55 percent of whatever they get is going to some State, local or Federal Government.

So here we have a case where a person has worked all their life, for 30 years, and they are selling maybe their two-family home that is going to give them a little asset, or maybe they are going to sell their stocks and bonds they have, so maybe once in their life they are going to be rich. But you keep talking about rich folks. We are not just talking about rich folks.

Mr. GINGRICH. Mr. Speaker, let me say one thing along that line, and then I will yield to the gentleman from North Dakota, because I appreciate very much his coming over and participating, because this is frankly the kind of dialog that we ought to have more of in the Congress.

We are going to check on the exact number, but my memory is that something like 75 percent of the people who take a capital gains had less than \$50,000 average gross income the year before they did it. I think that is the approximate number.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I think that is absolutely true if you would take into consideration their capital gains.

Mr. GINGRICH. How about the year before, though? These are relatively normal Americans, not necessarily poor, but somewhere in the middle class, who happen to be either selling their home or selling a business or at one time selling their stocks. But they are not rich people.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. Yes, go ahead.

Mr. DORGAN of North Dakota. The data demonstrates exactly the opposite. It is a graph that's been shown around your side of the aisle forever. It says that if you don't consider capital gains income, then people who have capital gains do not really have much income. That is like saying if you do not consider the income from investment banking as relevant income, then investment bankers do not make much money. So what?

Mr. GINGRICH. No. We are going to check this with the Ways and Means Committee staff. My understanding is that the year before their AGI, which, as I understand it, and again, you serve on the committee and I do not, means what, their gross income?

Mr. DORGAN of North Dakota. Yes.

Mr. GINGRICH. Not in the year they make the capital gain but the year before, something like 75 percent of the people who, let us say, in 1991 were to

take a capital gain, in 1990 something like 75 percent of those people would have had \$50,000 or less in income.

All right, go ahead.

Mr. DORGAN of North Dakota. Let me just use another statistic that I think is important. And I do want to correct one thing you mentioned because you moved along so quickly that I was not able to stop you. You surely do not suggest that the leadership of the Joint Tax Committee or the Congressional Budget Office is leadership that is selected only by Democrats and operates on behalf of Democrats?

Mr. GINGRICH. Oh, sure, absolutely. Mr. DORGAN of North Dakota. Is that your position?

Mr. GINGRICH. Well, we would not have accepted the current head of the Joint Tax Committee. We would have never picked him. He was in Carter's Treasury.

Mr. DORGAN of North Dakota. Haven't we had people running the CBO who were Republicans in the past?

Mr. GINGRICH. Yes.

Mr. DORGAN of North Dakota. During the past decade?

Mr. GINGRICH. Yes, at times.

Mr. DORGAN of North Dakota. Do you trust them?

Mr. GINGRICH. But I would argue that if you look at the computer models of CBO and Joint Tax, they are literally the equivalent of an aerodynamic model that says airplanes cannot fly.

Mr. DORGAN of North Dakota. But my question was, in cases where the leadership or the people that run CBO and Joint Tax are selected generally with the assent of the leadership on both sides?

Mr. GINGRICH. No, I would have to say in a House which has been controlled by the Democrats for 5 years longer than Fidel Castro has been in power in Cuba, I do not think we ought to have any games about who makes the decision about hiring somebody like this. The fact is that from the time the Republicans lost control of the Senate, the Democrats controlled these kinds of positions.

Mr. DORGAN of North Dakota. I know that the head of at least one of those institutions has been a Republican since I have been here. Of course, I did not go on the floor to suggest that the information that comes from that organization is necessarily slanted toward the Republican side.

Mr. GINGRICH. No, I think it is intellectually obsolete. I think if you are a serious intellectual, you would agree that Joint Tax is obsolete.

Mr. DORGAN of North Dakota. But that is a different issue to make, and probably it is more than constructive.

Let me just make this point: It is a creative point that you make that the average person is rich at least once. Most average people are never rich. They wish they could be rich at least once, but they are not.

The study I was going to refer to bears directly on that point. The study says, "Let's look at who gets capital gains." Is it, as you suggest and as is suggested most often by the President and others, the ones who once or twice make an occasional sale of an asset they have accumulated over an entire lifetime such as a business or farm? Or is it the people who are involved in the business of converting capital gains?

What the study shows is interesting. Eighteen percent of the benefit of a capital gains cut will go to those people who are selling an asset once in their lifetimes. Eighty-two percent of the benefit goes to those people who have recurring capital gains transactions in every year.

So my point is that I do not disagree with you at all. I think when someone owns a farm or a small business they have held for 20 years, I would like to do something about it. That's why I have introduced legislation which says, "Let's produce a capital gains preference for a \$200,000 basket of income, in addition to the \$125,000 that you can now flow through without any tax obligation on the sale of your home, which incidentally is the largest capital asset most people will ever have in this country. Statistics show that is their major asset. They can now move \$125,000 through after they have reached age 55 with no adverse tax consequences. I say, let us add to that. Let us put \$200,000 on top of that to respond to this issue.

I would like to make one other point, and let me say I appreciate very much the indulgence of the gentleman from Georgia. When you talk about growth and the economic future of this country, I do not think there is anything more destructive to the economy or the health of the American economy than the kind of binge of hostile takeovers and LBO's that we have seen in the past decade. It has been a literal orgy that is destructive to this country. It is a form of economic cannibalism, an abuse of credit, a scourging of America's assets. Highrollers misusing credit to take companies apart and selling them. The gentleman knows that I have been on the floor often on the issue of junk bonds and a whole range of other things to try to shut down the mechanism by which we finance this kind of economic activity which I think fundamentally damages the private sector of this country. And I would very much hope, as we talk about growth economics, that one of the things we all agree on is to shut down that kind of destructive activity in the private sector. It just doesn't make any sense.

□ 1710

Mr. GINGRICH. I agree with you. But let me use that one for just a moment to make the point and illustrate why I believe in all fairness, I believe intel-

lectually, that liberals have a very hard time getting out of the box.

The way you would dramatically cut off those kind of leveraged buyouts, if you really wanted to create economic growth, is you eliminate the double taxation of dividends. If you eliminated the double taxation of dividends, it would no longer make sense under our Tax Code for people to borrow massive amounts of money in terms of taking over the corporation.

You would in fact be doing something economically which both stopped leveraged buyouts and which created an incentive for new jobs and new factories and new companies.

But I doubt if it would be possible to have any hope of bringing to the floor a bill which eliminated the double taxation of dividends, even though I think every theoretical economist would agree that that is a very powerful way to both increase the value of investing in new jobs and to cut off leveraged buyouts.

Mr. DORGAN of North Dakota. The history of the 1980's denies the statement the gentleman just made. Even as tax rates have come down in the 1980's, we have seen a burgeoning activity in this LBO and hostile takeover area.

One would think if there is in fact a tax incentive, that as the tax incentive diminishes, you would see a diminished activity in LBO's and hostile takeovers.

Exactly the opposite happens. Why? I think it has to do with much more than the Tax Code. I think we have regulators who are hostile to the notion of regulating in this town, in dozens of areas.

They just close their eyes and plug their ears and say, "I will watch nothing and I will hear nothing and you do what you want." Regrettably, it just brought this economy to its knees. I agree that we have major responsibilities.

Mr. GINGRICH. Let me see if I understand this correctly. You think one of the major problems in our economy is not that we have a credit crunch because of overregulation, and not that we have small businesses being strangled by too much regulation and red tape, you think in fact the regulators are too lax and we do not have a tough enough regulatory environment on business and small business?

Mr. DORGAN of North Dakota. Let me rephrase this, if I might. The answer, of course, is yes, but not with respect to small business.

The answer is when a savings and loan is allowed to be loaded up with junk bonds so that it chokes and dies, then somebody is not minding the store. Somebody is not regulating the kind of investments those institutions are making.

My point is that in agency after agency where there is supposed to be responsible regulation, responsible reg-

ulation was denied by people who were hostile to the need to look after the public interest. The answer clearly in the area of financial institutions and some other areas, including airlines, is yes.

Mr. STEARNS. Let me just answer that. You are trying to insinuate that capital gains is the cause of the S&L and the cause of junk bonds and the cause of leveraged buyouts? Are you suggesting capital gains is the reason for all of that?

Mr. DORGAN of North Dakota. No, I do not think so. Did the gentleman from Georgia hear that?

Mr. STEARNS. No, that is what you seem to indicate.

Mr. DORGAN of North Dakota. No, not at all. Nothing of the sort. I was disconnecting the subject by saying in addition to the growth economics the gentleman from Georgia was discussing, I would like to know whether he agrees that this orgy of hostile takeovers and LBO's is destructive to the American economy and long-term growth. And, in my judgment, these activities have cannibalized the corporate assets of this country.

Mr. STEARNS. Let me just ask my distinguished colleague a question. In Japan and Germany, they have very little if no capital gains. Is that not true?

Mr. GINGRICH. Yes. Absolutely.

Mr. STEARNS. So here are two countries that have been dynamite in their economic growth. They have little to no capital gains. How do you explain that?

Mr. DORGAN of North Dakota. It is interesting you raise the question of the Japanese. First you couldn't do a hostile takeover in Japan because it's prohibited. They understand it is destructive to economic interests.

Second, the effective corporate tax rate in Japan is much, much higher than the effective corporate tax rate in America.

If you pull out capital gains, yes, you might make that case on capital gains. But if you pull out one piece and another piece and refuse to look at the whole picture, you create, in my judgment, a distorted picture.

The fact is that, Japan has a higher effective corporate income tax rate than this country. So the question is how would Japan have a higher rate of economic growth if in fact it has a higher effective corporate income tax rate?

Mr. STEARNS. You cannot have it both ways. You are just trying to argue that the capital gains is bad and you are talking about leverage buyouts. Now you just told me that in Japan, where they have no capital gains, that they have different kinds of laws. Perhaps we need different kinds of laws here. But it has nothing to do with the capital gains.

My whole argument is that what you are trying to insinuate, you are tying

the capital gains to all the evils that have happened in the last 4 or 5 years, and I do not think that is a fair case.

Mr. DORGAN of North Dakota. The gentleman is not listening carefully.

Mr. GINGRICH. Let me just read one section of this book. It is a little bit long, but let me read this for a second.

Mr. DORGAN of North Dakota. May I just clear this up? I appreciate the response of the gentleman to me, but you were not listening carefully. I did not intend to tie capital gains to the issue of leveraged buyouts and hostile takeovers. I intended to talk about capital gains and also to say that there are other issues relevant to the economic growth in this country. That was the purpose of my comment. It was not to tie capital gains to that.

Mr. GINGRICH. Let me read you a passage. It is a little bit long, but if you will tolerate it for a minute. It is from Peter Brown's new book, "Minority Party," which is actually an effort I think on his part to try to reach the Democratic Party, not attack it.

He says the following:

The only strategy Democrats have had for the last decade is to pray for a Republican scandal or a deep recession.

Americans, for one, do not believe in redistributive economics, which is at the heart of the time-honored Democratic strategy that seems to be making a comeback. Of course Americans want the rich to pay their fair share of taxes, but that is the political equivalent of supporting motherhood. When New Jersey Gov. Jim Florio in 1990 tried a tax program aimed at implementing that idea, he was hit by a middle-class revolt. His programs raised levies on individuals who made \$35,000 and couples who earned \$70,000. Despite all his charts and graphs explaining that the middle class wouldn't be forking out any more in taxes, they didn't believe him. The bulk of those who were hit didn't consider themselves rich, and those below the threshold figured the Democratic tax man would get them next as they climbed the economic ladder.

Democrats confuse the generally popular notion that those with higher incomes should shoulder a greater burden of the cost of government services with the much less accepted idea that all incomes should be equal. In fact, America is by far the least likely of the seven Western industrialized nations to believe great disparity in incomes is bad. Only 28 percent of Americans feel that way, half the rate of strongly capitalist West Germany and a smaller fraction yet of Great Britain, Holland, and Italy.

Class warfare no longer works politically because it seems to the middle-class voter that the Democratic party is bent on punishing him for his success. These voters look at programs like Florio's as punitive redistribution. To the millions like Mark and Pam Blips, Democrats, having failed to raise the incomes of the poor, seem bent on trying to legislate equality by limiting their upward mobility.

"Soak the rich" will not suffice as a message for 1992" because "it's not clear to the voters that Democrats are on the side of the middle class," Democratic pollster Mark Mellman believes.

In conceptual form it is egalitarianism, not capitalism, that the Democrats are proferring at a time when the rest of the world

has decided that the high standard of living available to most people under capitalism is worth the inequities the system entails.

Even if a populist cycle is underway in America, as many Democrats contend, it isn't like the old days. To say that the Republicans are letting a few people get very rich doesn't work by itself. The middle class doesn't believe the rich are getting richer at their expense because the American economy is no longer driven from the top by Fortune 500 companies, those big fat cats with inherited wealth. The engine now is smaller—entrepreneurial companies, created by middle-class people like themselves who are seeking to climb even higher.

My point is just this: I am not particularly worried about Donald Trump, because I think he has gone broke. I am not particularly worried about a lot of people who may have gone by in passing briefly, because I think those kind of speculators in the long run do not last.

My concern is how can I in the middle of a recession, in a free enterprise environment, where we have rejected socialism, we have rejected communism, we have rejected centralized planning, how can I stimulate the kind of savings and investment and hard work that creates jobs and creates factories and encourages people to go to the future?

What I hear you saying, and I am going to give you a chance to respond, but what I hear you saying is look, we will help you for the first couple hundred thousand dollars, but don't get too successful. The minute you start to get too successful, we are going to punish you. Don't create too many jobs, don't build too big a factory, don't hire too many people.

I feel just the opposite. If the price I have to pay for a Ford Motor Co. is Henry Ford, then in a free enterprise system I think, frankly, that is the price you pay.

If the price I have to pay to have an Apple computer is Steve Jobs, then I am prepared to pay that price.

But what I want to do is create an environment where every child in America can go out and say, by George, I have a fair chance to go out here, to work hard, to save, to invest, to go into my garage as Steve Jobs did, to go into my basement as Polaroid did with Land, who created the Polaroid Co. I can create the future. I could someday get rich.

What I hear the gentleman saying is, OK, if you get to be a little upper middle class. But let's not go crazy here. Let's not take the chance of getting too rich.

My question to you would be, where are you going to get the jobs? Tell me any economic theory that creates jobs that starts off by punishing the rich?

Mr. DORGAN of North Dakota. When did the gentleman from Georgia come to Congress?

Mr. GINGRICH. I came to Congress in the middle of the Carter disaster in 1978.

Mr. DORGAN of North Dakota. Do you know what the top income tax rate was in 1978?

Mr. GINGRICH. It was around 70 percent, I think. Not that it was paid very often by wealthy people, but that was the theoretical top rate, I believe, wasn't it?

Mr. DORGAN of North Dakota. Are you asking me?

Mr. GINGRICH. Yes.

Mr. DORGAN of North Dakota. Yes.

Mr. GINGRICH. You are on the Committee on Ways and Means. I am not.

Mr. DORGAN of North Dakota. It was 70 percent.

Mr. GINGRICH. By the way, can I tell you one quick anecdote? John F. Kennedy, in 1961, when the top rate was 90 percent, as President, asked the IRS how many rich people paid the 90-percent top rate? The answer was zero, because, in fact, if you raise taxes enough, you create the incentive for rich people to hire CPA's and attorneys who promptly figure out how not to pay any taxes.

Mr. DORGAN of North Dakota. So what is the top tax rate today? If it was 70 percent when you came here, and the Democrats, which have been in control of this institution since Millard Fillmore was President have been ruining most everything, what has happened to the tax rate today? Seventy percent to what?

□ 1720

Mr. GINGRICH. With tremendous effort by Ronald Reagan and a coalition of Republicans and Democrats, we actually lowered the tax rate.

Mr. DORGAN of North Dakota. To what?

Mr. GINGRICH. I think it is 31 percent the way you have now rigged it, having started back up the ladder.

Mr. DORGAN of North Dakota. Let me recap, if I may.

When you came to Washington the top statutory tax rate was 70 percent. It is now 31 percent for the people in this country who make the biggest incomes. We have some people that make some good incomes, and God bless them. If a person can make \$30 million a year, I have no idea what that personal situation is, but if you do that, God bless you.

I would also like to make sure that you have a full opportunity to invest in this country's future by paying a fair tax as well. So it is 31 percent.

Now you'd say to us that what we need to do is reduce even further the 31-percent rate for people paying that who are largely in the upper income groups. We need to reduce by another third because many of them will have capital gains. If you do not go along with that, Democrats, you are punishing success.

Mr. GINGRICH. Not just punishing success; you are killing jobs. You are killing the jobs of the future.

Mr. DORGAN of North Dakota. If you extend that logic, then why would you support any income tax for someone who makes over \$1 million a year?

Mr. GINGRICH. Wait a second. There is a difference between a tax on capital gains, and you can make a good argument that the Japanese model, which is 1 or 5 percent, depending whether you do gross or net, or the German model, which is the correct capital gains model, that is not income tax. That is a tax on whether or not you save and invest, whether or not you want to encourage massive savings and massive investment to create the most modern factories in the world with the highest take-home pay and the best standard of living. That is a very big difference.

The margin you want to get to with rich people is simple. You want a tax which is high enough, an income tax which is high enough that you get a pretty good bit of money but low enough that they do not hire a tax lawyer. You want to find exactly the margin where it is cheaper for them to send a check to the Treasury than to send a check to their CPA because the minute you go past that, they are going to start finding a way not to pay taxes.

Mr. DORGAN of North Dakota. If your vision of the country's future is to use the rich as instruments for economic progress—

Mr. GINGRICH. I did not say just the rich. I do not happen to have as much antipathy to the rich as Democrats do in between fundraising dinners.

My point is not helping somebody who is currently wealthy. I could not care less. I think they will protect themselves.

JAY ROCKEFELLER and all the rest of the Rockefellers are going to be able to find a way to protect themselves no matter what you do to the Tax Code.

Mr. DORGAN of North Dakota. When you come to the floor and propose policies, you are struck with the results of what they show.

Mr. GINGRICH. The whole country is richer, including rich people. Everybody is richer. The result of yours is everybody is poorer, including rich people.

The question is, Would you rather raise everybody and have everybody poorer?

Mr. DORGAN of North Dakota. When you came to Congress the top statutory income rate was 70 percent and it was reduced to 31 percent. You are now coming to us and Congress with a new economic idea. It is not really new, but you call it new so we will accept that. It is a new idea.

Let's cut taxes, the bulk of which will be cut for the rich. What you are saying in effect with your policies is that for the average person in America making \$200,000 a year in income, I am going to cut about \$20,000 of their tax liability.

Mr. GINGRICH. The question I would ask is, Who do you believe, all of the private economists who say that a capital gains cut would actually raise revenues? Or do you believe the Treasury Department, which says that it would raise \$6 billion in revenue?

It does not cost any money; it raises money.

Mr. DORGAN of North Dakota. The Treasury Department would jump off a 20-story building for you. They are of your party. You are fighting for what they propose to us. So why wouldn't they give you the answers you want?

Mr. GINGRICH. You happen to have economists who hire who are liberals who tell you that this will cost money. I have economists that favor business and favor job creation and are conservative who think this would gain money. We do not know it for sure.

My point is, we do know that in 1978, when under Jimmy Carter we actually cut the capital gains tax, it did work. We do know that it actually increased the Government revenues despite the fact that Treasury said it would not.

Mr. DORGAN of North Dakota. Mr. GINGRICH, you are wrong about that. The Treasury Department demonstrated in its own study that that is not a correct statement. It just is not correct.

Mr. GINGRICH. It is not correct that the Staggers bill increased revenue?

Mr. DORGAN of North Dakota. That is correct.

Mr. GINGRICH. I will be back in another day or two. I will get the data. I would love to see that.

Everything I have heard from every economist I have talked to is that the Staggers bill clearly increased revenue.

Mr. DORGAN of North Dakota. Let me go on for a second and ask you this question: Let us assume that you disagree that my proposal to provide \$200,000 in capital gains relief for the average person during their lifetime. Let us assume that you think \$200,000 is not enough because, as your friend said, the average person is rich at least once.

I am hoping at one point that happens to me, and I hope it happens to all my constituents. I doubt it will happen to all of us.

Let us assume everybody is rich at least once. What is an appropriate figure? Is \$500,000 or \$1 million or is there no appropriate figure for you?

Mr. GINGRICH. Let me say two things:

First of all, the number of people who in 1987 had less than \$50,000 income the year before they paid a capital gain was 71 percent. So 71 percent of the people the year before they paid a capital gain, this is not some exclusion of capital gain income, had less than \$50,000.

First of all, a capital gain cut relates to a lot of people, not just the rich.

Second, let me ask you this: Let us say a man came to you and said, "I un-

derstand there is a town in North Dakota that is sort of poor. I am prepared, if you will give me a tax advantage, I am prepared to put 3,000 jobs in that town. You have to give me a tax advantage. Otherwise I will put those jobs in Hong Kong or put them in Poland."

Would you say to him, "You know, I don't mind if you put the first 100 jobs in, but that other 2,900 jobs, I don't know if we can do that. I think if we were to let you have all 3,000 jobs there and hire all 3,000 families, boy, that would be pretty charitable because look how big your tax advantage would get. Maybe you ought to take 100 jobs in North Dakota, but why don't you take the other 2,900 jobs and take them to Mexico or to Hong Kong or take them to Poland?"

Is that not the essence of your policy? As long as people do not get too successful, as long as they do not create too many jobs, as long as there is not too much growth happening, it is OK. But if they start to really take off, that would be scary?

Mr. DORGAN of North Dakota. No. That is where we have a major misunderstanding.

Mr. GINGRICH. Or a disagreement.

Mr. DORGAN of North Dakota. I am not sure that you understand my point that I think there is a responsibility that everybody has to make a certain payment for this Government of ours.

Mr. GINGRICH. I agree.

Mr. DORGAN of North Dakota. Not very many people agree or we would not have a \$420 billion deficit in this coming fiscal year. It is not the \$348 billion deficit as Mr. Darman says, for next year. You are probably well aware that it is \$420, are you not?

Mr. GINGRICH. In August of last year, I made a speech at the Heritage Foundation and said, "If we raise taxes going into a recession, we will lay off more people and we will increase the deficit."

I would suggest to you, if you go back and read that speech at Heritage and you look at the budget deal last year, which I opposed, and you look at the effect of the States that are raising taxes and you look at the effect of the Federal Government raising taxes and you look at the impact on Beechcraft in Kansas of the luxury tax or you look at any of the boat costs and the impact of the luxury tax, we have been killing jobs and raising taxes, lowering the revenues.

We have fewer revenues today because of the recession. The recession killed more revenues than every tax increase we passed last October.

Would you not agree with that? That that is technically true? That the increased unemployment and the loss of income tax and profit from corporations actually costs us more revenue than the total tax increase in the Budget Act?

Mr. DORGAN of North Dakota. I taught some economics in college but have been able to overcome that. You have not been able to overcome your history teaching experience.

Mr. GINGRICH. You do not think that the recession killed more revenue than the tax increase gained?

Mr. DORGAN of North Dakota. Economics 101 teaches you that you have a major decrease in revenue when you have a recession. You are asking if I accept you as a visionary based on your Heritage speech.

Mr. GINGRICH. I do not want to overreach that. Let me ask a narrower question here.

Would you not agree technically that the total revenue loss due to the recession is greater than the total revenue increase from the tax increases we passed last October?

Mr. DORGAN of North Dakota. It may be, but the implication, is that the tax increase caused the recession.

Mr. GINGRICH. It just deepened the recession. Do you not agree that a tax increase going into a recession deepens the recession?

Mr. DORGAN of North Dakota. I do not have any idea, and I sort of agree with old Harry Truman on this. He said, "Get me a one-armed economist. I am tired of this on the one hand and on the other hand."

Who knows? We know that we have reached a recession. We know that we had some economic growth.

I might tell you that we had no economic growth in my State of North Dakota. It has been a decade. If you asked somebody if you are better off now than you were 10 years ago, they'd probably say no. We have had a price collapse in energy and agriculture.

□ 1730

And I only wish those family farmers and those Main Street folks in North Dakota are able to be rich once in their life. Unfortunately, most of them are now losing money and in desperate condition.

That's why I said when I started. I would like very much—

Mr. GINGRICH. Do you think tax increases will help them?

Mr. DORGAN of North Dakota. No, I do not think tax increases will ever help anybody unless we finally have some kind of responsible approach of spending and tax increases and cuts to put the country back on track.

Mr. GINGRICH. But did you not just do that, did not the Democrats just pass an unemployment bill that breaks the budget? When I talk about responsible, did you not in fact explicitly break the deal which you made with the President last year to control spending?

Mr. DORGAN of North Dakota. No, not at all.

Mr. GINGRICH. You did not pass a bill today that breaks that budget deal?

Mr. DORGAN of North Dakota. No, we did not, and you know very well we did not. You know that this bill declares an emergency if it is signed by the President.

Mr. GINGRICH. Which is, by the way, explicitly contrary to the budget agreement, because this bill does not give him the choice. This bill explicitly does it upon signature.

Mr. DORGAN of North Dakota. There is probably not much sense in us spending much time here debating what happened today. The Kurds were an emergency, the Shiites were an emergency, everybody is an emergency except for the American people who are out of work. The Democrats wrote this bill that will not break the budget to help those Americans who need help, and if you sign this you declare an emergency.

Mr. GINGRICH. My point is that Democrats are desperately for and willing to be responsible when we are about to raise taxes, but then 6 months later when we try to control spending, they are not.

Mr. DORGAN of North Dakota. In my judgment, nobody in this Chamber likes to raise taxes. And I do not consider myself an FDR Democrat; I consider myself more of a Jeffersonian.

I really think that long-term broad-based economic ownership is crucial in this country to long-term political freedom.

Mr. GINGRICH. I agree with that entirely.

Mr. DORGAN of North Dakota. That is why I believe very much we need to find ways to expand the economic base in America. We must find some common ground on growth economics. Yet, that makes sense.

As a term it does not mean much to me. But some of the things you said I agree with. I think we ought to work on common elements that we could achieve to help put this country back on track. I think most Americans believe, if you ask them that we are losing our competitive edge. They believe just as power shifted from England to us, it is now shifting from here to the Pacific rim, probably never to return. And they want somehow for us to recapture some economic momentum. They want us working on the kinds of things needed to do that. I do not disagree with you on that.

You and I simply disagree on specific elements of your policies and how it would inure benefits to the richest of the rich. But I believe we can get past some of that, sit down and talk about the common elements of a growth package that will put this country back on track for the good of Republicans, Democrats, and everybody that lives here.

Mr. GINGRICH. Of course, but I think the central problem your party faces is if you dislike job creators so much that you do not want to encour-

age them to create jobs, you cannot then turn and ask them where the jobs are. You are a little bit like the party who wants to beat the goose that laid the golden egg all day long, and then scream at it in the evening because it did not lay three eggs.

We know historically that Germany, Japan, Korea, the United States, all sorts of places around the world, we know approximately how to create jobs. And if you will listen carefully, when we start talking to the Russians, what are we going to be telling the Russian Government? Less bureaucracy, private property, tax incentives to work, save and invest, and use all sorts of general phrases which if you came right back to this Chamber and you brought in a bill which fit what we are going to encourage the Russians to do, your side would not let it come to the floor, because by definition what do you hear when you talk to people about Russia? They tell you, boy, you know, if you are an entrepreneur in Russia you are in big trouble because people think anybody who tries to get ahead is doing bad things. What do you think? You say oh, my goodness, this person is doing too well, let us punish them for a while.

All I am suggesting is that in a free enterprise system you know how to get the economy to grow, you know how to create new factories or to create new jobs. What I do not know how to do is how to punish everybody who is trying to do that, and at the same time create it.

I would have to say frankly, based on the Carter administration's track record, and based on what your leadership has done for the last 3 years in stopping the President's growth packages, I do not see any evidence that the Democratic Party has any understanding of how to create real jobs and put people back to work. But I will be glad to yield to the gentleman.

Mr. DORGAN of North Dakota. I just think you deserve the issue when you suggest that our approach is to punish those who do well.

Mr. GINGRICH. That is what you have been saying for the last hour.

Mr. DORGAN of North Dakota. That is not true. I do not come here to talk about party so much, but you spend most of your time talking about everything that is wrong in America. And that every wrong ought to be tattooed on the chest of the Democrats and everything that is right in America ought to be hoisted on the sword of the Republicans. I just get a little tired of that sometimes.

Mr. GINGRICH. I have not said that.

Mr. DORGAN of North Dakota. The fact is that our party, the Democratic Party, stands for and fights for the interests of the entrepreneur, the mom and pop businesses opening up in the morning and closing in the evening, people struggling to milk cows today

in North Dakota, people putting in a crop and taking it out in the fall. I guarantee people who I work with on this side of the aisle fight for and stand for these people, and it deserves their motives in my judgment, for you to suggest somehow our career is bent on punishing them. That is nonsense. That is a characterization. It's just as if I were to say that you spend your life down there trying to make the rich richer because you do not care about anybody else. I do not say that, but I could, and it would be the same characterization that you paint about us.

Mr. GINGRICH. I am not suggesting that it is mean spirited. I am suggesting that it is a consequence, and I am suggesting that when you spend the amount of time, not you personally, but when you have people such as several of your candidates for President who spend the amount of time they spend explicitly on class warfare, who seem to think class warfare makes sense, I do not see how that is compatible with this kind of a society and with everything, the kind of economic growth and the kind of entrepreneurial behavior that we want. And I do not have any doubt that rhetorically there is a belief in small business. But I mentioned regulations a while ago. Every small business I talk to feels like it is overregulated, it is drowning in red tape, it is drowning in IRS regulations, and surely we ought to be able to find a way to make life easier for those very small business people that you describe. And I expect that ANDY IRELAND, our Republican ranking member on the Small Business Committee, would love to work with some people on your side of the aisle to bring to the floor a small business bill of rights that would strip away about half of the red tape. But I think it would be very hard to get it through this House.

Mr. DORGAN of North Dakota. It does not wash that it is class warfare when someone suggests that the studies show the rich are getting richer, and the poor are getting poorer. Recent studies show that the tax system is askew, and we need to do something about that. But that's not class warfare.

Mr. GINGRICH. Let me describe a Treasury bulletin, spring issue of June 1988, which says:

The results imply that the 1978 Act produced large and continuing direct revenue gains. Extension of the sample and correction of a flaw in the Treasury report's measurement of inflationary GNP dramatically reduce the estimated losses from the 1981 changes.

In other words, when you go through the Treasury study as of June 1988, the suggestion is that in effect both the 1978 tax cut of capital gains and the 1981 tax cut yields the conclusion that both acts were significantly revenue enhancing. In other words, it is Treasury's contention as of 1988—

Mr. DORGAN of North Dakota. And what are you reading from?

Mr. GINGRICH. I am reading from a Xeroxed copy of the Treasury Bulletin, spring issue, June 1988.

Mr. DORGAN of North Dakota. They put out a bulletin telling us this?

Mr. GINGRICH. Yes. This is a copy. I will be glad to give you a copy.

Mr. DORGAN of North Dakota. Let me tell you that I have a weighty, rather thick study published in 1985 that says exactly the opposite.

Mr. GINGRICH. What that study says is that there was a recalculation of the 1985 study, and that in fact the 1978 act created large and continuing direct revenue gains.

Mr. DORGAN of North Dakota. That is convenient. What happened when 7 years after the capital gains cut in 1978 they said that there had not been a revenue increase. Then 3 years later they said we have changed our mind. It is now 10 years later and we made a mistake 3 years ago about the judgment we were leveling on something that happened 7 years ago. That is a very convenient Treasury Department. How do I get one of those?

Mr. GINGRICH. Let me put it to you this way then: If you had to gamble, and I had a report that says if you cut taxes you get a whole lot more money, or cut taxes and lose money for the Government, my argument, in the middle of a recession would be that it is a lot smarter and more desirable to cut taxes and create more jobs than it is not to cut taxes. All I would say, and that may express the difference in terms of how we tend to be biased in terms of our two parties, my bias is toward cutting taxes and finding a way to stimulate the private sector to create more permanent jobs, and I say it is fair to say your party's bias is to not cut taxes and instead to worry more about extending unemployment rather than create permanent jobs and worry about that half of the equation in a free enterprise system.

Mr. DORGAN of North Dakota. While I create that job that ultimately they are going to look for, I would like for them to have something to eat tonight.

Mr. GINGRICH. As I said earlier, I am very willing to vote for an unemployment extension. I think that when the President vetoes the current bill and it is sustained, that we will come back to the House with a signable package. I would only ask the Democratic leadership at that point to make an order the Economic Growth Act as an amendment, as an addition to the 10 weeks of unemployment extensions that Mr. MICHEL and Mr. DOLE are going to offer, and then we could extend the unemployment temporarily and begin to create permanent jobs for people to go to.

Mr. DORGAN of North Dakota. One final point. It is interesting that the discussion we are having relates back

to a philosophical division that goes back decades; the so-called trickle-down theory which we have not discussed here today.

□ 1740

We have not used the terminology "trickle down" to give somebody at the top something, and everybody at the bottom will benefit. I just think we need to give all of the American people, which we believe are the engine of the American economy, something to work with to get the economic engine working well again.

Mr. GINGRICH. I would just say that I think there is a magnet theory that says that Steve Jobs was not being trickled down; he was being pulled into a better future.

We will carry that on another day. I thank the gentleman.

#### INTRODUCTION OF LEGISLATION REAUTHORIZING SECTIONS 405 AND 406 OF GENERAL EDUCATION PROVISIONS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, today, I am submitting a bill that will reauthorize sections 405 and 406 of the General Education Provisions Act [GEPA], the Office of Educational Research and Improvement [OERI] for an additional 5 years. OERI, in addition to carrying out its original mission to equalize educational opportunities, if properly utilized, could facilitate the development of an American Solution to improve our schools and our workforce, and to create a learning society. Just as an overwhelming force was used to achieve victory in the Middle East, we must mount an "overwhelming campaign" for educational improvement which sets in motion many strategies and models simultaneously. The coordinating entity at the center of this campaign must be OERI.

The bill has been carefully crafted in response to the concerns of parents, teachers, education consultants, school administrators, and civic and business leaders as reflected in 13 hearings held between July 30, 1987 and September 25, 1991, and the 2 Subcommittee on Select Education staff reports: Preliminary Staff Report on Educational Research, Development and Dissemination: Reclaiming A Vision of the Federal Role for the 1990's and Beyond (September 1988) and Education 2005: The Role of Research and Development in An Overwhelming Campaign for Education in America (August 1991).

The urgency of the proposals outlined here could not be greater. We have proposed significant changes designed to place OERI at the center, rather than on the margin, of educational innovation and reform in this country. Although research and development is only a small part of the overall long-term public policy and strategy needed to revamp our national education effort, it is a pivotal and critical component. Many other elements, especially the provision of emergency Federal financial relief

to hard-pressed local schools, are of equal importance and must be pursued more vigorously by Congress.

There is widespread agreement that before OERI is capable of playing a significant role, it must ensure an ongoing effort to maintain maximum feasible freedom from partisan interference. It is evident that the critical difference between OERI and other research agencies, such as the National Science Foundation, National Aeronautics and Space Administration, and the National Institutes of Health, is that OERI lacks an effective board. The bill establishes a 24-member Educational Research Policy and Priorities Board with the status prestige, and credibility necessary to determine policy and priorities for an office heretofore preoccupied with responding to short-term political pressures.

The bill also calls for OERI to play a more proactive role in disseminating educational knowledge. Testimony before the subcommittee verified that while in many instances we know what works, we lack the ability to effectively disseminate this knowledge to those most in need of the information. To guarantee the continued infusion and utilization of research and development results, the bill proposes the establishment of a responsive and interactive delivery system for research, development, and dissemination—similar to the original agriculture extension programs of the land grant colleges. A key component of that delivery system is the District Education Agent Program which will speedily place high quality, useful information, technical assistance, and a host of local and Federal school improvement services at the disposal of the community.

Global competition and national necessity now dictate that the original mission of OERI—to engage in activities which contribute to the effective education of at-risk students—must be expanded to improve education for all students everywhere in America. In order to prevent the dilution of the original mission, the bill calls for the establishment of a National Institute for the Education of At-Risk Students to concretize and solidify the core of policies, actions, and activities related to ensuring the education of our most vulnerable students. The Institute will also become the keeper of the treasure chest of new concepts, models, and publications regarding the education of at-risk students.

Educational improvements cannot be obtained by focusing on the achievements of students alone. Standards, assessments and report cards must also be established for those who govern and manage. Before we forge ahead to institutionalize the national testing of students, it would be more logical, more efficient, and more just to establish a national program for the assessment of the governance and management performance of the States, school districts, and local education agencies responsible for the education of students. It is imperative that OERI move in a more definitive manner to restore balance to the conduct of assessment research. Therefore, we are proposing the establishment of a National Institute on Innovation in Governance and Management.

The bill also addresses public-private partnerships within the context of the National Research and Development Center and National

Educational Laboratories Program and the need to expand OERI's electronic network in order to build a national education treasure chest to advance the synthesis of information of research results, models, and materials to a wide variety of end users. The proposed interactive, computer-based National Education Dissemination Network will also link an expanded OERI library with other Federal research and development entities.

In general, this reauthorization responds to the many changes that have occurred across the educational landscape since the previous reauthorization of OERI in 1985. The increased activism of the private sector in all aspects of educational technology to transform student learning; the enhanced capabilities or telecommunications to improve dissemination are all addressed in this bill.

Today's Washington Post reports that "the Nation must travel a tremendous distance" to meet international academic standards and reach the education goals that President Bush and the governors have set for the year 2000." Mr. Speaker, I believe that this bill offers the Nation an opportunity to begin that journey. The national education goals cannot be achieved without a greatly expanded Federal research, development, and dissemination system.

A section-by-section analysis of the bill follows:

#### SECTION-BY-SECTION ANALYSIS—THE EDUCATION RESEARCH AND DISSEMINATION EXCELLENCE ACT

##### Section 1. Title.

##### Section 2. Findings.

Notes that the majority of our public schools are failing and that school reform efforts alone will not allow us to achieve the national education goals. OERI must be central in the coordination, development dissemination and replication of ideas, strategies and interventions that will make a substantial difference to every student and school in America. A new generation of institutions must be established to take on more proactive roles to accelerate the application of research knowledge to high priority areas. A new National Educational Research and Priorities Board must be established to ensure that OERI can function without partisan political interference.

##### Section 3. Table of Contents.

#### TITLE I—PURPOSE OF THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

##### Section 101. Purpose and Structure of Office.

Establishes powers of new Educational Research Policy and Priorities Board to determine policies and priorities for OERI. Repeals the National Advisory Council on Educational Research.

##### Section 103. Funding.

Authorizes \$130 million for FY92, \$245 million for FY93, \$270 million for FY94, \$330 million for FY95 and \$350 million for FY96 for carrying out sections 405A to 405G. Specifies that no less than 5 percent be reserved for administrative expenses for the National Educational Research and Priorities Board. Revised minimum authorization levels are set for the Regional Educational Laboratories, National Research and Development Centers, Education Resources Information Clearinghouses and field initiated studies.

#### TITLE II—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

##### Section 201. Establishment and Purpose.

The Board will determine priorities and establish procedures and practices for the conduct of all research, development and dissemination carried out by the Department of Education.

The Board will be responsible for setting policies and priorities for the conduct and evaluation of research based upon an assessment of the state of knowledge in education research and development. The Board will also be charged with the greater coordination of all education research, development and dissemination activities conducted across the entire federal government. The Board is authorized to establish subcommittees, convene workshops and conferences and collect data.

The Board will be composed of 24 members appointed by the President with nominations selected from particular national bodies: 10 eminent educational researchers from a pool of nominees provided by the National Academy of Sciences; 4 classroom teachers; 1 Chief State School Officer; 1 local educational agency superintendent; 1 from a National School Board Association; 1 from a Chapter 1 Association; 1 professional librarian; 2 parents; 1 individual from the foundation community; and 2 individuals from business and industry.

#### TITLE III—DISTRICT EDUCATION AGENT PROGRAM

##### Subtitle A—District Education Agent Program

Section 301. Establishment and Purpose. Establishes the District Education Agent Program which provides a capability at the local level to guide the application of tested effective models and techniques to enhance the prospects for all communities to achieve the National Education Goals. Findings set out the need to move expeditiously to establish a responsive and interactive delivery system that can provide focused assistance to ensure that promising innovations are effectively disseminated and used.

##### Subtitle B—Bureau of Education Extension

Section 311. Establishment and Purpose. A Bureau of Education Extension is established within OERI. The first duty of the office will be to compete a district education pilot program for fifty of the poorest congressional districts as determined by the 1990 census. The Bureau will provide technical assistance to congressional districts which will be known as research and development districts. These districts can consist of the entire district or no less than 250,000 residents. The remainder of the congressional district can be used as a control for the pilot program.

The Bureau will provide technical assistance to congressional districts in preparation for the competition, as well as facilitating the coordination of appropriate resources. The Bureau will also be charged with the development of a dissemination system to ensure the transfer of exemplary educational models and interventions through the District Education Program.

#### TITLE IV—AMERICA ON LINE: THE NATIONAL EDUCATION DISSEMINATION NETWORK

##### Subtitle A—National Education Research Library

Section 401. Establishment and Purpose. A National Education Library is established to serve as the central location within the federal government for information about education. The Library will provide comprehensive reference services for education information for federal employees as well as members of the public. The Library will also house a "one-stop shopping" infor-

mation and referral service to provide information concerning Department of Education programs and activities. The bill would transfer all existing information functions to the Library.

##### Subtitle B—Establishment of an Education Networks and Telecommunications Division

##### Section 411. Establishment and Purpose.

Establishes an interactive electronic network to link all Department of Education entities, including the ERIC clearinghouses, Regional Educational Laboratories and National Research and Development Centers. Requires the Secretary to provide every OERI-funded entity with an interactive electronic bulletin board.

Demonstration programs are authorized to support Regional Education Laboratories, SEAs and LEAs, universities and private nonprofit entities in the development and expansion of a "user friendly" dissemination network. The Secretary shall provide matching dollars on a 4 to 1 ratio.

#### TITLE V—THE NATIONAL INSTITUTE FOR THE EDUCATION OF AT-RISK STUDENTS

##### Section 501. Findings

Findings set out the need for greater efforts to prevent the further decline in achievement of at-risk students that reside in high poverty areas, in order to achieve the six national education goals.

##### Section 502. Establishment and Purpose

The Institute will maximize the ability of OERI to conduct non-partisan research so that its original core mission to prevent educational failure among student educationally disadvantaged is achieved. The Institute will maximize involvement of institutions and individual scholars with special experience and expertise in serving the at-risk. The Institute will evaluate, develop, replicate and adapt models, strategies, techniques and methods that will substantially improve the conditions for learning of at-risk students.

The Institute will also develop a model program to serve the 50 poorest congressional districts and will supplement, not supplant other Federal activities.

The Institute shall be administered by a Director appointed by the President, by and with the advice and consent of the Senate, together with a 33-member board appointed by the President by and with the advice and consent of the Senate. The Board to establish Institute policy, prioritize research, review all programs, and issue periodic progress reports. The Institute will be organized into three administrative divisions: Innercity Educational Improvement, Rural Educational Improvement, and Minority Language Educational Improvement.

#### TITLE VI—NATIONAL INSTITUTE FOR INNOVATION IN GOVERNANCE AND MANAGEMENT

##### Section 601. Findings and Purpose

Findings relate to the fact that many American schools are based on outmoded structures and rely on notions and governance that may be outdated. A concentrated effort is needed to support a program that can identify and replicate model innovations in school governance to be used to promote equity and excellence.

##### Section 602. Establishment and Purpose

Establishes that the Institute will be administered by a Director and a National Institute for Innovation in Governance and Management Board. The Board shall determine policies, priorities and procedures for the Institute every two years.

Authorizes a program of research and development grants for eligible entities for research, planning, development and implementation of promising models of innovation in school governance and management.

Establishes a board of 12 experienced and eminent individual members to be appointed by the President, by and with the advice and consent of the Senate. The Board shall establish the policies of the Institute. The President shall select from distinguished researchers nominated by the National Academy of Sciences, and other national bodies.

The Institute shall be responsible for the conduct, evaluation and dissemination of research findings. The Institute is authorized to develop cooperative projects to be conducted in conjunction with two or more research and development centers and regional laboratories.

**TITLE VII—NATIONAL RESEARCH AND DEVELOPMENT CENTERS, REGIONAL EDUCATIONAL LABORATORIES, AND PUBLIC-PRIVATE RESEARCH AND DEVELOPMENT PARTNERSHIPS**

**Section 701. Partnerships with Private Organizations**

Establishes public-private partnerships between OERI and private organizations to conduct education research development dissemination and technical assistance activities. Each partnership shall require the participation of an SEA or LEA and an educational research team; OERI will contribute no more than fifty percent of the total cost.

Requires any Regional Educational Laboratory, National Research and Development Center, public-private partnership to provide the Secretary with certain information and assurances.

**TITLE VIII—MISCELLANEOUS PROVISIONS**

**Section 801. New American Schools Development Corporation**

Specifies that the provision of technical assistance to the New American Schools Development Corporation should not exceed the sum of \$5,000 and an amount equal to the maximum rate of basic pay for a GS-15.

**GENERAL LEAVE**

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**THE COURAGE OF TED WILLIAMS**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. NEAL] is recognized for 60 minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise on this occasion to call attention to one of the most remarkable career accomplishments in athletics that has ever existed, for it was on September 28, 1941, that Ted Williams, known as The Kid and The Splendid Splinter batted .406. I bring that up on this occasion not only to mark its anniversary but also to contrast it with a number of other records that we once thought could never be surmounted.

What record has lasted over 50 years? Even Babe Ruth's 714 home run record was broken, and Bob Beamon's long

jump record was just broken. Even the Berlin Wall has been torn down, and Ty Cobb's most hits in a career have been surpassed.

But on this occasion, I think that we also want to acknowledge the courage of Ted Williams, for on September 28, 1941, Ted Williams could have chosen to sit out a doubleheader. He was hitting .400 going into the last game of that season, and his manager, Joe Cronin, asked if he wanted to sit out the last two games. Consistently, as he had throughout his career, Ted Williams said no, and he went six for eight on that remarkable fall afternoon to end with a .406 batting average.

But we also want to call attention to Ted Williams the individual who, from 1943 to 1945, served in the military as a fighter pilot, and again in 1952 and 1953 he served in the Korean conflict, always a patriot.

Think of these statistics in his major league career: he won a batting title in 1958 at the age of 40, and in 1960, at the age of 42, he hit .316. Indeed, on September 28, 1960, in his last time at bat, Ted Williams hit a home run, and characteristically, he entered the dugout and never came back to tip his cap.

Ted Williams was always his own man.

When we look at that season, we find it all the more remarkable because Joe DiMaggio hit in 56 straight games, and later on in the season, Mickey Owen dropped the famous third strike.

Even in 1942 when Ted Williams won the triple crown, he lost the MVP award, and many people called it in those years the curse of the Bambino. I boast to my children all the time that I had a chance to see Ted Williams play in 1959 and 1960 when my grandfather brought me to Fenway Park for the first time, and I saw his teammates like Pete Runnels and Sammy White, in those years, and Vic Wertz, and Ike Delock, and Frank Malzone. It probably would have been considered a mediocre team at best, but Ted Williams brought that zeal and excitement to the lineup every day.

I might remark that, as I watched him march to the plate, the memory will always be carefully etched in my mind of how he rested that bat on his left shoulder, stared at the pitcher, and dug in with his left foot. He was not ducking out, and he was going to get his time at bat. Everybody in the ball park knew Ted Williams had gone to the plate to hit.

What I would like to do for just the next couple of minutes is to yield time to others who have requested it on this occasion, and then I would like to come back and talk about Ted Williams and the Jimmy Fund.

Mr. Speaker, I yield to the gentleman from California [Mr. ANDERSON].

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

Mr. Speaker, why would a Congressman from southern California rise to

praise the accomplishments of a baseball player from Boston? There are several reasons for my appearance here today. One reason is that the player in question, Ted Williams, is a native of southern California. He was born and raised in San Diego. A second reason is that I feel certain that our beloved departed colleague Silvio Conte would insist that I rise today, and who could ever refuse Sil. And finally, Ted Williams ranks among the top 5 or 10 baseball players of all time and I would not want this occasion to pass without saying a few words in praise of the "Splendid Splinter."

My remarks will bypass the home runs, the batting average, the years of magnificent performance. My remarks are in praise of a man who twice left the playing fields behind and served in the U.S. Marine Corps as a fighter pilot. If Ted Williams had not lost those years in World War II and Korea he would have set records in our national pastime that might never be reached. His service to his country was truly service at great personal sacrifice although he would be the last to say so.

There exists in the Boston area a wonderful charity known as the Jimmy Fund. This charity raises money to combat children's cancer. No one, and I repeat, no one, has contributed more time, energy, effort and love to the Jimmy Fund campaign than Ted Williams. Again, he would be the last person to tell you that.

I salute Ted Williams today as a genuine sports hero. I also salute today the Marine Corps veteran of two wars and the humanitarian friend of cancer stricken children. For his own reasons, Ted did not like to tip his cap to the fans. I am proud today to tip my cap to Ted Williams.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman for yielding and for taking out this very timely special order to recognize a very great man and a great athlete.

Mr. Speaker, I rise today to join my colleagues in paying tribute to one of the greatest baseball players of all time, Ted Williams.

The baseball season of 1941 for many baseball fans was the season of the great Joe DiMaggio who hit safely in 56 consecutive games. However, the splendid Yankee Clipper shared the limelight that season with a lefthanded hitter nicknamed the Kid, who batted a remarkable .406, a mark which has remained unsurpassed ever since. This October marks the 50th anniversary of that fabulous season of Ted Williams.

During his long career as a player for the Boston Red Sox Williams earned many distinctions. He was named batting champion several times, most valuable player, and triple crown winner. At the plate Williams was one of the

most feared hitters of his time. Whether the Red Sox were hot or not, Sox fans who came to the ball park could always expect a hitting clinic when No. 9 would step up to the plate.

Opposing teams developed many strategies to counter his legendary bat; some teams instructed their pitchers not to throw strikes to him, while other teams shifted their entire outfields to play to his strengths.

However, more often than not these strategies had the same result; Ted Williams standing on first base. Day in and day out during his career Williams personified excellence in baseball. His batting average only once fell below .300 and over his career he batted an outstanding .344.

Despite his remarkable achievements on the playing field Williams never forgot his sense of loyalty and duty to his country. When his fellow countrymen were called to war during World War II and the Korean war, Williams put his flourishing baseball career on hold so that he could serve in the Marines.

During his 4½ years of service as a flier Williams served with distinction, rising to the rank of captain. Upon his return to baseball Williams did not miss a beat, thrilling fans with his ability to knock baseballs around Fenway Park.

Much has been written and said over the years about the amazing bat of Ted Williams. Some attributed his ability to remarkable eyesight and quick wrists, while others say that he had an unusual sixth sense about the game. I believe that these physical attributes combined with a true love for the game of baseball is what made him a great player.

For over a century baseball has been a major part of America's culture.

Records have been set and broken, great players have come and gone, but only a handful have reached the status of legend of the game. Ted Williams is one of that select few.

His graceful swing, his amazing consistency at the plate, have earned him the deserved reputation as the greatest hitter of all time.

Finally, Mr. Speaker, I believe that Ted Williams contribution to baseball can not be measured by the records he set or the games he won.

His contribution to America's pastime is the way that he played the game. For 19 seasons he played baseball with a style and intensity that reflected his passion for the game.

For baseball fans everywhere, of all ages, I join with my colleagues to honor this great man on the anniversary of his greatest season in the Sun.

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Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts, indeed the gentleman from Boston, who is I am sure pleased with the thought that he represents

the congressional districts in which the remarkable Fenway Park is located.

Mr. Speaker, let me for a couple moments reflect on Ted Williams' relationship with the Jimmy Fund. We all know that he has donated thousands of hours and money to the Jimmy Fund, and he certainly has made the Jimmy Fund, at least in part, what it is today, New England's favorite charity.

I also want to acknowledge that had Silvio Conte been here now, he would have been doing this special order instead of me because he was a personal friend of Ted Williams.

My office requested from Mike Andrews, who was a former second baseman for the Red Sox some information on Ted Williams and the Jimmy Fund. I would like now to read that for the RECORD.

"Can you think of anything more dreadful than a child ill with cancer? Do you know the one thing anyone wants more than anything else? It's life." So mused Ted Williams in one of the many movie trailers he appeared in to promote the Jimmy Fund.

While the remarkable accomplishments of Ted Williams' career have been well documented in baseball history, the even more remarkable work he has done on behalf of cancer research has not. And that's fine with Williams. You see, Ted Williams' involvement with the Jimmy Fund has nothing to do with getting credit or publicity for all the charitable work he has done through the years. Ted Williams is about making people happy and doing his part to help cure a dreadful disease—cancer.

The Jimmy Fund at Dana-Farber Cancer Institute was founded over four decades ago to help provide care and treatment to people with cancer. Under the leadership of Dr. Sidney Farber, the father of modern chemotherapy, a center dedicated solely to the research and treatment of childhood cancer was established. When Ted Williams first visited Dr. Farber, kids' lives were being extended by two to six months. Today, two out of three children and half of all people with cancer can now be cured.

Williams has donated untold hours visiting the sick, memorabilia used for auctions and raffles, appearance fees and has lent his name for tributes and other functions that helped raise funds for the Jimmy Fund. It is through Ted's and the Boston Red Sox' involvement that the Jimmy Fund has become known as New England's favorite charity. "Never to my knowledge, has anyone professional athlete meant as much to a charity as Ted Williams has meant, and still means to Dana-Farber's Jimmy Fund," said Mike Andrews, the Jimmy Fund Executive Director.

The countless millions of dollars that Ted Williams has helped raise through his philanthropic endeavors would be hard to estimate. For fear he would be shortchanged, that task has never been undertaken. Ted Williams always said that he'd like to be remembered "as the grater hitter who ever played." Somehow, I don't think Ted would object if he were also remembered as one of the greatest humanitarians who ever lived.

Mr. Speaker, let me just close with a couple thoughts about that summer and fall 50 years ago. Some time ago I read an introduction to a text in which Ted Williams raised the rhetorical question as he reflected on hitting, and

he said, "You know how hard that is to do?"

Well, anybody who has ever picked up a baseball bat and tried to swing at a pitch from a good left-handed or a good right-handed pitcher, you know precisely how hard it is to do.

Remarkably enough, five decades later Ted Williams is still one of, if not the greatest hitter that ever walked to the plate.

We have watched all those ceremonial records broken. We have watched dramatic changes in the politics of the world, but that record stands as testimony to his commitment to what remains America's game. He had a career that mostly was filled with ups. Seldom were there any downs, but that career was marked by that famous season five decades ago.

I am pleased that this House of Representatives on this occasion has had a chance to pay tribute to not only a great baseball player who also played left field like it was his own backyard, but also we have had a chance to pay tribute to a great American.

Mr. STEARNS. Mr. Speaker, every generation has its heroes, but it isn't very often that the feats of those heroes transcend several generations. The feats of Ted Williams have transcended several generations and I'm sure will be passed on to several more.

Ted Williams was the finest hitter in modern baseball, collecting six batting titles, including one at age 40, during his 19-year career with the Boston Red Sox.

Williams' most sensational season was 1941 when he was only 23 years old. He batted 0.406 that year, becoming the last man to reach the 0.400 mark and the first since 1930.

How Williams' reached 0.406 is dramatic and reflects on his confidence and perseverance. He was batting 0.400 with a double header scheduled for the final day of the season. Manager Joe Cronin offered him the opportunity to sit out and protect his average. Instead, Williams played, collected six hits in eight at bats, and finished with a 0.406 batting average.

But such heroics were not limited to Williams' youth. Consistency and patience were his trademarks. He received 2,018 walks in his career, second only to Babe Ruth. This contrasted with a mere 709 total strikeouts. Only three times in 19 years did Williams fan more than 50 times in a season. That is a remarkable accomplishment when you consider he played 154 games a season.

It becomes even more remarkable when you consider that his baseball career was interrupted twice by the Marines. Between 1943 and 1945 Williams served as a Marine pilot. In 1952 his Marine Reserve unit was called up for duty in the Korean war and Williams missed most of two additional seasons. He saw significant combat duty during the Korean war.

Williams' service to his country didn't hurt his hitting one bit. He led the 1946 Red Sox to the American League pennant, won his fourth batting crown in 1948 and in 1949 was named the league's MVP. That year he led the league in five categories including home runs.

After his 2 years in Korea, Williams returned late in the 1953 season to play 37 games and bat 0.407 with 13 homers.

At the age of 39 in 1957 Williams clubbed 38 homers and missed reaching the 0.400 mark by only five hits over the course of the season. He hit 0.388 that year and the next season became the oldest player to capture a batting championship with an average of 0.328 in 1958.

With a home run in his final big league at bat, Williams capped one of the most exciting and successful careers in baseball.

Williams' records and accomplishments remain as impressive today as they did when he achieved them. This despite the coming and going of such superstars as Al Kaline, Brooks Robinson, Hank Aaron, William Mays, Johnny Bench, Mike Schmidt, and Rod Carew.

Being born in 1941, I had the opportunity to follow Williams' career as I was growing up. He now resides in beautiful Hernando, FL, and I am honored to represent him in the House of Representatives.

The courage and confidence Ted Williams has displayed all his life is an inspiration to all Americans.

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to Ted Williams.

America knows Ted Williams as a great baseball player. At the age of 17, he started an exciting, record-filled career in professional baseball, playing first with the San Diego Padres of the Pacific Coast League. Throughout his career, he compiled an impressive list of statistics. As a patient, consistent hitter, he received, 2,018 walks, contrasted to only 709 total strikeouts. As a rookie with the Boston Red Sox in 1939, Ted Williams batted 0.327 with 31 home runs. He led the league with 145 runs batted in. In 1940, he made his first appearance in the All-Star Game—a game in which he would play 17 more times. The following year, 1941, was Ted Williams' most sensational year. And that is what we are honoring here today.

Fifty years ago this summer, Ted Williams, at age 23, batted 0.406—the first player since 1930 to do that, and the last one since then. This accomplishment alone singles out Ted Williams as a great hitter. But I had the privilege of knowing Ted Williams as more than a statistic in a record book.

During World War II, as a Navy pilot, Ted was a member of our team at Bronson Air Field in Florida. Our team had a pitcher with a unique trait. He was a Marine Corps pilot and like a lot of marines, he was independent. He didn't always throw what the catcher signaled. More than once, I saw frustrated catchers throw down their mits and charge the mound to counsel this stubborn pitcher. And this pitcher's batting average wasn't that great either. The Bronson baseball field had no fence, and it seems that this fellow had nothing to aim for. Finally, somebody put up a wire around the outfield, giving this marine pilot a goal. It seems like every hit after that went over that fence.

Mr. Speaker, it's not surprising that our teammate at Bronson Field called his own pitches. Because he wasn't really a pitcher. From 1939 to 1960, he played left field for the Red Sox. And it's not surprising that he hit a home run nearly every time at bat—his lifetime

average was 0.344. That young, hardhitting marine was Ted Williams.

When Ted Williams returned to the major leagues after World War II, he was greeted with a new defensive move—the Williams shift. Invented by Cleveland manager Lou Boudreau, the now-famous Williams shift required moving three infielders to the second-base side of the diamond. We weren't quite that sophisticated at Bronson Field, but we did have our own version of the Williams shift. When Ted Williams came up to bat in our games, the outfield just moved back to about 600 feet to have a better chance of catching his hard hits. So I guess we came up with the original Williams shift.

Anyone who forces outfielders to back up 600 feet is a great hitter. But Ted Williams was a great American as well. At the height of his baseball career, he left his sport to serve his country. Twice he traded in his glove and bat for an airplane. For 3 years during World War II, he served in the Marine Corps. And during the Korean war he saw 2 years of combat duty. Ted Williams' service demonstrates what I think is best about America. Unselfishly, he put his country ahead of his career. Without a doubt, those games at Bronson Field during World War II did very little to contribute to Ted Williams' swing, or skill, or statistics. But Ted Williams did his part to contribute to the United States. That willingness to serve, to do his part, adds to his greatness.

The statistics show that Ted Williams was a great hitter. As a part of that Bronson Field contingent, I can attest to that. And as someone who served our Nation during wartime with him, I can say he was a great pilot and a great guy.

Mr. CRANE. Mr. Speaker, 50 years ago this month the attention of the Nation's baseball fans was glued to the results of the smooth, flowing swings of the bat of the greatest hitter in baseball history—Ted Williams.

The batting feat of Ted Williams in 1940 has yet to be matched in the 50 years which have followed. The Splendid Splinter hit .406 for the Boston Red Sox that year, and in the five decades since then no major league ballplayer has been able to swing a bat at the awesome level of .400.

Williams hit for distance with the same measured ease as he hit for average. Often three infielders were employed against Williams between first and second base in an attempt to cut down on his hitting record. But the opposition wasn't permitted to station players in the stands behind the outfield walls, and the fans handled the home run balls which soared above and far beyond opposition outfielders.

One can only imagine what his final record collection might have been had he not interrupted his career to serve as a pilot in the Marine Corps. Twice, in World War II and again during the Korean war, Ted Williams fought for his country. As he was honored at the time of this year's All-Star Baseball Game, he unhesitatingly told one and all how proud he was to have served as a marine.

We tip our hats to a great baseball player and a great American.

Mr. MATSUI. Mr. Speaker, the year was 1941, the last season before World War II. While a good part of the Nation's conscious-

ness focused on the conflict that the United States would soon enter, the rest was following one of the most memorable baseball seasons of all time. This of course was the season Joltin Joe was to hit and hit and hit in 56 consecutive games, smashing the old record and setting a new mark that has not been matched since. While Mr. DiMaggio's consistent hitting was truly remarkable, I will always remember 1941 as the year Ted Williams, the Splendid Splinter, defied the odds and hit an incredible .406.

Although best known for his baseball exploits, Ted Williams was also a decorated captain in the Marine Corps and a veteran of both World War II and the Korean war. In fact, if not for his years of military service, who knows how many baseball records Ted Williams would have set.

Williams used a beautiful left-handed swing, 20/15 vision, steely determination, and a dedication to his craft to become one of the greatest ballplayers of all time. As the 1941 season wound down, it became clear that Williams had a shot at a miraculous .400 season. The day of the Boston Red Sox's season-ending doubleheader found Williams hitting .3995 which would have legitimately been rounded up to .400. While few would have questioned Williams had he decided to sit these games out, Williams insisted on playing and after going six for eight, he raised his average to an unbelievable .406. Fifty years later, no major leaguer has been able to equal this mark.

Mr. Speaker, Ted Williams is truly an American hero. On this, the 50th anniversary of his historic achievement, I ask my colleagues to join me in saluting this outstanding individual.

Mr. IRELAND. Mr. Speaker, I rise today to pay tribute to the 50th anniversary of the last major league batter to hit over .400, Ted Williams. This past Saturday, September 28, was the anniversary of the last day of the 1941 baseball season for Ted Williams and his team, the Boston Red Sox. On that day in sports history, Williams completed his historic 400-plus season, .406 to be precise, in a doubleheader against the legendary Connie Mack's Philadelphia Athletics.

A great year for baseball was 1941. It was the year that the Brooklyn Dodgers faced the New York Yankees in the World Series. That series went down in history because of a Mickey Owen's passed ball which changed the outcome of the fourth game in the Yankees favor; 1941 was also the season Joe DiMaggio had his magical 56-game hitting streak and was voted most valuable player. Midway through the season Ted Williams won the All-Star Game for the American League with a two-out, three-run homer in the bottom of the ninth inning. Finally this was the season Ted Williams became the last major leaguer to bat over .400. Most true baseball fans doubt anyone will ever accomplish this feat again.

Three days before the end of the season, Ted Williams' batting average was at .401. Joe Cronin, the coach of the Red Sox, asked Williams if he wanted to sit out the last three games to guarantee his .400 season. Ted wouldn't hear of it.

During the Saturday game the Splendid Splinter went one for four, lowering his average to .39955. While this figure would round up to .400, the media was already making noise about him being under .400.

On Sunday, September 28, 1941, Ted Williams decided he had to play to earn the honor of batting .400. During the first game of the doubleheader, Williams went four for five, boosting his average to .404 and all but ensuring a .400 season. In the second game Williams went two for three. Between the two games, Williams hit four singles, a double, and a home run to finish the year at .406. With his back to the wall, Williams pulled through with flying colors. Ted Williams was the last batter to hit .400 in a baseball season.

Mr. Speaker, the heroism displayed by Ted Williams was but one example of this great man's courage. He would later distinguish himself by serving valiantly in the Armed Forces during both World War II and the Korean conflict. One can only imagine what his baseball statistics would be if all those military years had been instead years spent on a baseball diamond. Ted Williams is, simply put, the greatest hitter ever to play the game of baseball. In addition he is one of baseball's immortals and a true American hero for the ages. God bless Ted Williams and on behalf of all Americans, "Thanks, Ted, for so many great baseball memories."

Mr. MACHTLEY. Mr. Speaker, it is with great pleasure that I join my distinguished colleagues tonight in paying tribute to a very special and talented athlete. Ted Williams' exploits at the plate turned him into a legend throughout New England and the rest of the baseball world. It was his accomplishment of batting .406, 50 years ago, that has served as a goal for every major league ballplayer to achieve. Since the summer of 1941, no one has matched this feat. Most experts agree that in all likelihood Ted Williams will be the last .400 hitter.

Across the board Ted Williams' lifetime statistics are awe-inspiring. They landed him in the Baseball Hall of Fame the first time he became eligible in 1966. He batted .344, had 1839 RBI's, 2,019 walks, and a slugging average of .634, all of which are in the top 10 in their categories of all time. In addition Williams was a member of the American League All Star Team for 16 years, was named most valuable player two seasons, and won six batting titles, the last of which came at the age of 40, a record. He achieved these great accomplishments despite missing 4½ seasons in the prime of his career to serve his country in the form of two tours of duty with the U.S. Marine Corps, in both World War II and Korea.

Ted Williams poise and gracefulness at the plate turned the science of hitting into an art form. No one knew the art of hitting better than the Splendid Splinter. Ted Williams continued to pass on his knowledge of hitting long after his playing days. First as a manager for the Washington Senators and then to young prospects for the Red Sox during spring training sessions.

As a youngster growing up in San Diego, CA, Ted Williams laid the framework for his major league career. He claims that he was always the last to leave the playground. Most of the time there was spent batting. He estimates that he batted over 200,000 times in his lifetime. Ted Williams has taught many that through persistence and hard work any goal can be achieved.

Playing under the shadow of the Green Monster at Fenway Park in Boston, Ted Williams entertained all of New England for 19 seasons. Through these seasons, Ted Williams set new standards of excellence that most can only dream of achieving in baseball and in life. The only person to come close to achieving his remarkable .406 batting average after 1941, was an older Ted Williams who came only 5 hits shy of .400 in 1957.

I commend my fine colleagues for making this tribute for such a wonderful baseball player and person possible. I am proud and honored to have the opportunity of participating in this special order this evening. I hope all will join me in tipping our caps to Ted Williams on the 50th Anniversary of his .406 batting average.

#### CONFERENCE REPORT ON H.R. 2608

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes:

##### CONFERENCE REPORT (H. REPT. 102-233)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2608) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 15, 18, 35, 43, 58, 60, 65, 84, 97, 98, 99, 100, 101, 103, 107, 114, 115, 117, 123, 125, 139, 141, 146, 149, 150, 154, 156, 158, 161, 164, 166, 167, 174, 177, and 181.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 11, 19, 27, 37, 38, 39, 44, 45, 52, 56, 66, 70, 87, 88, 104, 108, 110, 113, 118, 124, 127, 130, 131, 132, 133, 134, 136, 143, 144, 145, 147, 148, and 172 and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: (d) \$22,000,000; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$28,820,000; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$384,249,000; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$44,994,000; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$219,125,000; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,926,092,000; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$17,600,000; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$82,700,000; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$69,200,000; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$13,550,000; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$183,000,000; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,453,928,000; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$63,100,000; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

##### FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaran-

ted loans authorized by the Merchant Marine Act of 1936, as amended, \$1,000,000: Provided, That during fiscal year 1992 total commitments to guarantee loans shall not exceed \$10,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$1,700,000 which may be transferred to and merged with Operations, Research, and Facilities.

And the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$31,280,000; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$15,140,000; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$125,290,000; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$165,000,000; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$40,380,000; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$39,450,000; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$25,000,000; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$17,480,000; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$17,600,000; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate num-

bered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$22,925,000; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,875,000,000; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,250,000; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$20,400,000; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$10,000,000; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$10,464,000; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended as follows:  
In lieu of the amount "\$223,000" insert: \$780,000; and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$14,000,000; and the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$42,434,000; and the Senate agree to the same.

Amendment numbered 159:

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: \$691,725,000; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

Of which \$1,000,000 shall be available for the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation

And the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$36,888,000; and the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$24,500,000; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended as follows:

In lieu of the sum "\$10,000,000" insert: \$5,000,000; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 4, 6, 7, 8, 10, 12, 13, 17, 20, 22, 23, 24, 26, 28, 30, 31, 32, 33, 34, 36, 40, 41, 42, 46, 49, 51, 53, 57, 59, 61, 63, 64, 68, 69, 77, 78, 79, 81, 83, 86, 89, 92, 93, 94, 95, 96, 105, 106, 109, 111, 112, 116, 121, 122, 128, 129, 135, 137, 140, 152, 153, 155, 160, 162, 165, 171, 173, 175, 176, 178, 179, and 180.

NEAL SMITH,  
BILL ALEXANDER,  
JOSEPH D. EARLY,  
BOB CARR,  
ALAN B. MOLLOHAN,  
NANCY PELOSI,  
JAMIE L. WHITTEN,  
HAL ROGERS,  
RALPH REGULA,  
JIM KOLBE  
(except for amendment 140),

JOSEPH M. MCDADE,

Managers on the Part of the House.

ERNEST F. HOLLINGS,  
DANIEL K. INOUE,  
DALE BUMPERS,  
FRANK R. LAUTENBERG,  
JIM SASSER,  
BROCK ADAMS,  
ROBERT C. BYRD,  
WARREN B. RUDDMAN,  
TED STEVENS,  
MARK O. HATFIELD,  
ROBERT W. KASTEN, JR.,  
PHIL GRAMM,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement by the House and Senate in explanation of the effect of the action by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES  
DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
JUSTICE ASSISTANCE

The following table identifies the overall conference agreement for the Justice Assis-

ance appropriation for fiscal year 1992. The disposition of each amendment under this heading and a detailed description of the agreement follows the table:

OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE  
[In thousands of dollars]

Program/Activity	Fiscal year—				
	1991 En-acted	1992 Re-quest	1992 House	1992 Senate	1992 Con-ference
National Institute of Justice	\$23,929	\$23,929	\$23,570	\$23,929	\$23,739
Bureau of Justice Statistics	22,095	23,155	22,656	22,095	22,095
Emergency Assistance (Prior year carryover)	0	0	0	0	0
Missing Children	(2,078)	(4,000)	(4,000)	(4,000)	(4,000)
Regional Information Sharing System	7,971	7,971	7,851	7,971	8,471
Management and Administration	14,000	0	13,790	15,000	14,500
	19,921	21,704	21,009	21,009	21,199
<b>Subtotal</b>	<b>87,916</b>	<b>76,759</b>	<b>88,876</b>	<b>90,004</b>	<b>90,004</b>
<b>Juvenile Justice Programs:</b>					
<b>Title II—JJD Act:</b>					
<b>Part A—Management and Administration</b>					
Federal effort	3,248	3,076	3,442	3,442	3,442
Part B—Formula grants	342	250	183	183	183
Part C—Discretionary grants	50,260	0	50,750	50,750	50,750
Part D—Youth Gangs	17,950	7,250	18,125	18,125	18,125
	3,500	0	3,500	3,500	3,500
<b>Subtotal—JJD programs</b>	<b>75,300</b>	<b>10,576</b>	<b>76,000</b>	<b>76,000</b>	<b>76,000</b>
Prior year unobligated balances	0	0	0	0	-4,000
<b>New Budget Authority—JJD</b>	<b>75,300</b>	<b>10,576</b>	<b>76,000</b>	<b>76,000</b>	<b>72,000</b>
Victims of Child Abuse Act	0	0	2,000	0	2,000
<b>State and Local Law Enforcement Grants:</b>					
<b>Part E—Edward Byrne Memorial Grants:</b>					
<b>Formula grants</b>					
Discretionary grants	423,000	405,250	398,000	423,000	423,000
Management and Administration	50,000	50,000	50,000	50,000	50,000
Correctional Options Grants	2,000	2,000	2,000	2,000	2,000
RIS	0	3,000	25,000	0	(13,000)
	0	9,750	0	0	0
<b>Total, Edward Byrne Memorial Grants</b>	<b>475,000</b>	<b>470,000</b>	<b>475,000</b>	<b>475,000</b>	<b>475,000</b>
NCIC 2000	17,000	22,000	17,000	22,000	22,000
National Judicial College	0	0	0	(1,000)	1,000
National College of District Attorneys	0	0	0	0	500
Part N—TV Testimony—Child Abuse	0	0	1,000	1,000	1,000
<b>Total, State and Local Law Enforcement</b>	<b>492,000</b>	<b>492,000</b>	<b>493,000</b>	<b>498,000</b>	<b>499,500</b>
Maribel Cubans	4,963	0	4,885	4,963	4,963
<b>Total, new budget authority</b>	<b>660,179</b>	<b>579,335</b>	<b>664,761</b>	<b>668,967</b>	<b>668,467</b>

**Amendment No. 1:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert the following: *\$90,004,000, of which \$500,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill provides \$88,876,000 for Justice Assistance programs, while the Senate amendment provides \$90,004,000. The conference agreement appropriates \$90,004,000, which provides \$500,000 above both the House and Senate levels for the Missing Children Program.

The agreement also adds language included under Juvenile Justice by the Senate for a \$500,000 grant under the Missing Children Program for a Missing Alzheimer Patient Alert program. The conferees expect that, in developing a Missing Alzheimer Patient Alert program, the grantee's first priority will be materials development, outreach, and training of local law enforcement, public safety, and emergency health personnel in identifying and handling lost Alzheimer patients.

**Amendment No. 2:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the amount stricken and inserted by said amendment, insert the following: *\$499,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill appropriates \$493,000,000 for State and local law enforcement assistance grants, while the Senate amendment appropriates \$498,000,000. The conference agreement appropriates \$499,500,000 for these grants.

**Amendment No. 3:** Designates \$475,000,000 for the Edward Byrne Memorial Grant Program as proposed by the Senate instead of \$450,000,000 as proposed by the House.

**Amendment No. 4:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following: *\$13,000,000 of the funds made available in fiscal year 1992 under chapter A of subpart 2 of part East of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available to carry out the provisions of chapter B of subpart 2 of part E of title 1 of said Act for Correctional Options Grants; (c)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment strikes language in the House bill which would appropriate \$25,000,000 for demonstration grants to State and local agencies for alternatives to traditional modes of incarceration and offender release programs. The conference agreement appropriates \$13,000,000 for these grants from the discretionary grant program.

**Amendment No. 5:** Designates \$22,000,000 for the National Crime Information Center 2000 project as proposed by the Senate instead of \$17,000,000 as proposed by the House, and restores the section designation "(d)".

**Amendment No. 6:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *Provided, That \$25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be provided to the Arkansas State Police for high priority drug investigations: Provided further, The funds made available in fiscal year 1992 under subpart 1 of part E of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the titi-*

*gation processing of death penalty Federal habeas corpus petitions*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment strikes House language earmarking \$25,000 of the State of Arkansas' State and Local Law Enforcement Formula Grant funds for high priority drug investigations, and inserts new language earmarking \$5,762,000 of discretionary grant funds to assist States in the litigation processing of death penalty Federal habeas corpus petitions. The conference agreement restores the House language designating \$25,000 for high priority drug investigations in Arkansas, and amends the Senate language to authorize the use of formula grant funds provided to the States under the Edward Byrne Memorial Grant program for processing death penalty Federal habeas corpus petitions.

**Amendment No. 7:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Provided further, That funds made available in fiscal year 1992 under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available for the following grants in the amounts specified: (1) \$1,000,000 to the National Judicial College to provide judicial education and training to State trial judges in the area of illegal drug and violent criminal offenses; and (2) \$500,000 to the National College of District Attorneys to establish a permanent facility to improve the education and training of prosecutors involved in the war on drugs*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment added language not in the House bill, which designates \$1,000,000 of discretionary funds in the Edward Byrne Memorial Law Enforcement Assistance Grants for a grant to the National Judicial College. The conference agreement provides \$1,000,000 for the National Judicial College and \$500,000 for a grant to the National College of District Attorneys, but these funds are provided through a separate appropriation and not through the Edward Byrne Memorial program.

**National Judicial College**—The conference agreement provides a grant of \$1,000,000 to the National Judicial College to allow this college to continue to provide critical education and training to State and local trial judges. Without the infusion of these funds the number of judges attending the National Judicial College will decrease. This decrease comes at a time when, due to the war on drugs, this training is needed the most. The conferees note that this is a onetime grant that will provide the College with the ability to continue their educational programs indefinitely.

**National College of District Attorneys**—The conference agreement also provides a grant of \$500,000 to the National College of District Attorneys. This college plays a key role in providing prosecutorial training critical to the war on drugs. This onetime grant will allow the college to move into a permanent facility with the latest training technology.

**Amendment No. 8:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Provided further, That \$150,000 of the funds made available to the State of Kansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the City of Wichita, Kansas for Project Freedom's Drug Affected Babies Prevention Initiative.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment adds language, not included in the House bill, which earmarks \$150,000 of discretionary grant funds for a project in Wichita, Kansas. The conference agreement amends the Senate language to authorize the use of formula grant funds available to the State of Kansas in FY 1992 for this project.

**Amendment No. 9:** Deletes a designation proposed by the Senate for a Missing Alzheimer Patient Alert program. The conferees agree that this is not an authorized use of Juvenile Justice Program funds, and have included \$500,000 for this initiative under the Missing Children program (Amendment No. 1).

**Amendment No. 10:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following: *In addition, and notwithstanding section 214(b) of title II of Public Law 101-647 (104 Stat. 4794), \$1,500,000, to remain available until expended, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse for technical assistance and training instrumental to the criminal prosecution of child abuse cases, as authorized in section 213 of Public Law 101-647 (104 Stat. 4793).*

*In addition, and notwithstanding section 224(b) of title II of Public Law 101-647 (104 Stat. 4798), \$500,000, to remain available until expended, for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized in section 223(a) of Public Law 101-647 (104 Stat. 4797).*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment strikes language included in the House bill, which would appropriate \$2,000,000 for implementation of certain provisions of the Victims of Child Abuse Act of 1990. The conference agreement provides \$1,500,000 for a grant for specialized technical assistance and training programs to improve prosecution of child abuse cases, and \$500,000 for a grant to develop model programs to improve the judicial system's handling of child abuse cases. The conference agreement waives authorization language which requires that 90 percent of amounts appropriated for these two sections of the Child Abuse Act be provided to the States. Since this authorization requirement was envisioned for an appropriation of \$50,000,000 and not the \$2,000,000 provided herein, the conferees agreed to waive the requirement. These funds will be utilized for national child abuse programs affecting all States.

**Amendment No. 11:** Appropriates \$4,963,000 for the Mariel Cuban Grant Program as proposed by the Senate, instead of \$4,885,000 as proposed by the House.

**NATIONAL INSTITUTE OF JUSTICE**

The conference agreement provides \$23,739,000 for the National Institute of Jus-

tice. The conferees expect NIJ to continue the monitoring and evaluation needed to ensure that funds are being properly spent by grant recipients. The conferees also expect NIJ to expand reporting of the results of demonstration projects among local law enforcement agencies in order to share valuable information.

**JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAMS**

The conference agreement provides a total of \$76,000,000 for fiscal year 1992 for Juvenile Justice and Delinquency Prevention (JJDP) programs, as follows: \$3,625,000 for Management and Administration (Part A), \$50,750,000 for Formula Grants (Part B), \$18,125,000 for Discretionary Grants (Part C), and \$3,500,000 for Youth Gangs (Part D).

The conference agreement provides a total of \$18,125,000 for discretionary grants, of which:

\$500,000 is for a grant to provide financial and technical assistance to an organization representing the State Advisory Groups (SAGs).

\$3,200,000 is for a grant for the coordinated Law-Related Education (LRE) program to be used in the same organizational pattern and by the same LRE organizations that have previously received funding.

\$1,000,000 is for a grant to the National Court Appointed Special Advocates (CASA) program for training and development needs and start-up grants to expand CASA programs.

\$2,300,000 is for a grant to the National Council of Juvenile and Family Court Judges to provide continuing legal education in family and juvenile law.

The conferees also encourage the Office of Juvenile Justice Programs to examine and give full consideration to a grant proposal by the Consortium on Children, Families and the Law to continue its research on issues affecting children.

In addition, the conferees expect the Office of Juvenile Justice Programs to continue funding the five year effort of the program on the causes and correlates of delinquency being conducted at the Universities of Pittsburgh and Colorado, and the State University of New York at Albany through fiscal year 1992. This will permit the centers the time necessary to obtain support through other sources in fiscal year 1993.

**STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE GRANTS**

The conference agreement appropriates a total of \$499,500,000 for fiscal year 1992 for State and Local Law Enforcement Assistance Grants.

The agreement provides \$2,000,000 for management and administration, \$423,000,000 for the formula grant program, and \$22,000,000 for NCIC 2000, and as discussed earlier, \$1,000,000 for a onetime grant to the National Judicial College and \$500,000 for a onetime grant to the National College of District Attorneys.

The conference agreement also provides a total of \$50,000,000 for discretionary grants, to include:

**Neighborhood Oriented Policing Projects**—The agreement provides not less than \$4,000,000 for innovative neighborhood oriented policing projects to fund ongoing demonstration projects to their conclusion, and to expand successful projects to new locations. The conferees expect the Bureau of Justice Assistance (BJA) to continue to utilize the expertise developed by national organizations, such as the Eisenhower Foundation, the National Crime Prevention Council, the Na-

tional Training and Information Center, and the National Association of Town Watch in expanding this program into new neighborhoods, both urban and rural.

**Boys and Girls Clubs of America**—The conference agreement provides \$2,500,000 for a grant to the Boys and Girls Clubs to expand the number of clubs in public housing projects throughout the country. As discussed later in the report under the U.S. Attorneys, the Department is planning to expand on a new initiative combining Federal, State and local officials, and community groups, designed first to "weed" out violent criminals from selected neighborhoods, and then to "seed" that neighborhood with economic, education and social opportunities. The conferees agree that the programs and services offered by the Boys and Girls Clubs of America would be ideally suited for the "seed" portion of Operation Weed and Seed.

**National Demand Reduction Programs**—The conference agreement provides not less than \$3,000,000 for the National Crime Prevention Council to continue the National Citizens Crime Prevention Campaign (McGruff), and not less than \$1,700,000 to continue and expand the Drug Abuse Resistance Education (DARE) program.

**Correctional Options Grants**—The conference agreement provides \$13,000,000 for grants for correctional options that provide alternatives to traditional modes of incarceration. This new grant program, authorized in title XVIII of the Crime Control Act of 1990, will allow for the development and testing of innovative new projects, to include boot camps.

The conferees have also been made aware of two projects which would provide innovative alternatives to incarceration and encourage the Bureau of Justice Assistance to examine the proposals and to give them every possible consideration. The first proposal would provide a grant to the State of Maryland for expanding and enhancing a "Boot Camp" program and a pilot project on home detention at its Jessup facility. This program combines physical conditioning and vocational and life skills training, has resulted in dramatic changes in the attitudes and dispositions of the offenders, and has demonstrated a substantial savings from traditional incarceration. The second proposal is by the County of Palm Beach, Florida as part of their Substance Abuse Awareness Program, which would construct a minimum security drug farm to provide mandatory substance abuse treatment and rehabilitation to low risk, nonviolent, drug-dependent offenders in a discipline/therapeutic corrections setting.

**Organized Crime Narcotics (OCN)**—The conference agreement provides \$3,000,000 for the OCN program to support regional organized crime task forces in order to foster improved Federal, State and local cooperation.

**Criminal Information Systems**—The conference agreement provides \$700,000 for a grant to SEARCH Group, Inc. for continued support to State and local criminal justice agencies to improve their use of computers and information technology.

**Financial Investigations (FINVEST) Program**—The conference agreement provides \$3,000,000 for continuation of ongoing FINVEST projects, and for expansion into new projects.

**Model State Grand Jury**—The conference agreement provides \$500,000 to continue the South Carolina State Grand Jury project while a comprehensive model is developed.

**Other High Priority Grant Proposals**—The conferees have been made aware of a number

of other projects which will enhance State and local law enforcement by providing much needed improvements in training, education and other technical assistance. The conferees encourage the Bureau of Justice Assistance to examine these proposals and to provide grants where warranted. The conferees expect the BJA to submit a report to the Committees on Appropriations of the House and Senate on its intentions for these proposals. The proposals follow:

1. **Treatment Alternatives to Street Crime (TASC)**—A grant which would improve drug testing laboratory services in the State of Washington.

2. **COMMAND**—A demonstration project between communities in California and Nevada utilizing private sector investigators to detect and seize hidden drug assets.

3. **IMPACT**—A demonstration project in Washington State which provides training and consulting to teachers, counselors, administrators, and community groups in youth substance abuse prevention.

4. **Public Safety Communications Systems**—grants to assist States in establishing unified public safety channels to provide instantaneous communication among all public safety agencies in a region.

5. **Violent Crime**—a grant of \$125,000 to support a Southeastern States Summit on Violent Crime to address the significant increase in violent crime in those States. The conferees strongly support the leadership of the Bureau of Justice Assistance in establishing regional efforts against violent crime, and believe this approach will assist these states in their efforts, and will serve as a model for other regions of the country.

6. **Hate Crimes**—a grant of \$150,000 to develop a model training curriculum on dealing with victims of hate crime for criminal justice and victim assistance professionals. General Administration

SALARIES AND EXPENSES

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: \$110,100,000.

DRUG LAW ENFORCEMENT TRAINING

For necessary expenses of drug law enforcement training, \$3,500,000, to remain available until expended, for planning, construction, and purchase of equipment incident thereto for an expanded training center at the FBI Training Academy at Quantico, Virginia, to be expended at the direction of the Attorney General

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$100,100,000 for General Administration instead of \$109,925,000 as proposed by the House and \$114,142,000 as proposed by the Senate. The agreement allows for requested adjustments to base less \$279,000 associated with GSA space rental rate decreases and the \$1,500,000 requested for GSA buildings delegation. The agreement allows for no program growth, including the \$5,125,000 requested for implementation of the Chief Financial Officers Act.

The conference agreement also includes new language, not in either the House or Senate bills, which appropriates \$3,500,000 for the initial costs associated with construction of an expanded training facility at the FBI Academy in Quantico, Virginia. This additional space is urgently needed to accom-

modate the needs of the FBI and DEA, since current facilities at the FBI Academy are insufficient to handle the full range of training requirements. The shortfall in space at the FBI Academy results from the significant increase in the number of FBI and DEA agents added to fight the war on drugs and from projected increases in agent attrition due to anticipated retirements.

The conferees are aware that, as a result of severe space constraints, the DEA has been forced to reduce its use of training facilities at Quantico to Basic Training only. All other training, including intelligence analyst, diversion investigator, chemist, State and local, international, and DEA in-service, must be conducted offsite. Without this additional space, not only will DEA's training situation worsen, but the FBI Academy will be forced to reduce the availability of space for the training of State and local law enforcement officers. Currently 1,000 police officers attend the National Academy annually with a waiting list of over 12,000.

The conferees expect the Department to ensure a fair and equitable allocation of space between the FBI and the DEA. It is also anticipated that space will be sufficient to accommodate the training of all DEA core series employees.

ASSETS FORFEITURE FUND TRANSFER

As a result of language in the fiscal year 1991 Dire Emergency Supplemental, the Attorney General was authorized to transfer unobligated balances from the Assets Forfeiture Fund to procure vehicles, equipment, and other capital investment items. The conferees understand that the Attorney General plans to procure the following items from these transfers in fiscal year 1992:

Federal Prisons—Salaries and Expenses:	
Prison Activations .....	\$47,866,000
Marshals Service—Salaries and Expenses:	
Holding cells for new judgeships .....	439,000
Aircraft security system .....	1,000,000
Prisoner vans .....	417,000
SOG equipment .....	574,000
Cellular telephones .....	200,000
Computer workstations ..	2,425,000
Micrographic equipment .....	185,000
Subtotal .....	5,240,000
Drug Enforcement Administration—S&E:	
Portable computers .....	722,000
Fingerprint equipment ..	172,000
Subtotal .....	894,000
U.S. Attorneys—Salaries and Expenses:	
Equipment .....	10,000,000
Total transfer .....	\$64,000,000

LONG-TERM AUTHORITY FOR FACILITIES

The conferees are concerned about the apparent disregard of some Justice Department agencies over normal budgeting procedures. Several months ago the Committees were made aware of two long-term facility leases that were entered into by the U.S. Marshals Service for which funds were never requested in either the President's budget or through a reprogramming. In both cases, the leases obligate the U.S. Government to make payments over a number of years—commitments never agreed to by the Congress. Subsequent to complaints lodged by the Committees, the Department submitted a reprogramming for these two leases. The Committees reluc-

tantly agreed to the reprogramming, not so much on the merit of the projects, but because potential litigation costs for terminating the contracts could result in costs higher than the leases.

The conferees believe it is incumbent upon the Department to ensure that the taxpayers are not forced into similar situations in the future. The conferees expect the Department to implement regulations which require the various agencies to obtain approval from the Attorney General prior to entering into any facility lease agreement of over one year in duration, including option years, and with a total value in excess of \$1,000,000 over the life of the lease. Anticipated costs of such leases shall be separately identified as part of a President's budget request or a reprogramming prior to entering into an agreement.

#### OFFICE SPACE

The Department of Justice has experienced unprecedented growth over the past several years as the Congress has added personnel to combat illegal drugs. The conferees understand that the Department is experiencing considerable difficulty in acquiring sufficient office space for these new employees not only here in the Washington, DC area, but nationwide. It appears that the current space acquisition process is not designed to respond quickly to accommodate agency requirements of this magnitude. The conferees understand that the Department is housed in 65 separate locations in the Washington metropolitan area alone. The conferees, recognizing the problems created by the fragmentation of Justice components, request the Department to provide the Committees on Appropriations, by February 1, 1992, a comprehensive report defining its housing problems nationwide, and the specific actions recommended to resolve these critical issues.

#### WORKING CAPITAL FUND

##### (INCLUDING TRANSFER OF FUNDS)

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

The House bill included language to allow the Department of Justice to retain up to 4 percent of the total in the Working Capital Fund for acquisition of capital equipment. The conference agreement incorporates language, proposed in the Senate amendment, to allow for the transfer of unobligated balances into the working capital fund to be used on a Department-wide basis for law enforcement or litigation-related ADP systems, subject to the Committees' reprogramming procedures.

#### OFFICE OF INSPECTOR GENERAL

Amendment No. 14: Appropriates \$28,820,000 instead of \$27,893,000 as proposed by the House and \$30,719,000 as proposed by the Senate.

The conference agreement provides for requested adjustments to base, less \$63,000 associated with GSA space rental rate decreases. The conference agreement allows for program enhancements of \$500,000 for additional positions in the Audit Division. The conferees were unable to provide for requested increases for implementation of the Chief Financial Officers Act.

The conferees have been made aware that a large portion of the Inspector General's workload revolves around the Immigration and Naturalization Service, particularly the examinations program. It was the intent of Congress that the full cost of adjudications and naturalization services be fully funded by fees. The conferees request that the At-

torney General provide a report, by February 1, 1992, on whether it is appropriate for fee accounts to provide some reimbursement to the IG to compensate for audit and inspection services.

#### UNITED STATES PAROLE COMMISSION SALARIES AND EXPENSES

Amendment No. 15: Appropriates \$9,855,000 as proposed by the House instead of \$9,786,000 as proposed by the Senate.

The conference agreement provides for requested adjustments to base, less \$279,000 associated with GSA space rental rate decreases. The conference agreement allows for a net program decrease of \$928,000, including an increase of \$117,000 to continue the Hyattsville Monitoring Project. The conferees agree that Bureau of Prisons personnel should be utilized on a reimbursable basis during phaseout of the Commission; however, for certain sensitive positions, the Commission is authorized to utilize either reimbursable or direct funded positions.

#### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 16: Appropriates \$384,249,000 instead of \$379,804,000 as proposed by the House and \$388,821,000 as proposed by the Senate.

The conference agreement provides for requested adjustments to base, less \$275,000 associated with GSA space rental rate decreases. The conference agreement allows for program enhancements of \$4,330,000, as follows: \$1,985,000 to develop and implement regulations pursuant to the Radiation Exposure Compensation Act of 1990, and \$2,345,000 to continue implementation of the Americans with Disabilities Act.

*Americans with Disabilities Act (ADA)*—The Justice Department has critical responsibilities for effectuation of the ADA. The successful and orderly implementation of the ADA depends on the Department's ability to provide adequate technical assistance and to mount a credible enforcement effort. The funds provided herein will allow the Department to carry out these responsibilities.

*Independent Counsel*—The conferees recognize a need to provide autonomy to the Independent Counsels; however, the conferees agree that the Congress should have the ability to exercise control over their spending. The conferees urge the relevant legislative committees of the House and Senate to provide for appropriate financial controls and oversight over the Independent Counsels.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which designates \$1,000 for the official reception and representation expenses of the U.S. National Central Bureau, INTERPOL. The House bill contained no similar provision.

Amendment No. 18: Deletes language added by the Senate and not contained in the House bill, which is intended to protect licensed health care professionals from contracting the HIV and Hepatitis B viruses. The conferees agree that the goals of this amendment are laudable; however, the provision is not germane to this bill and the conferees believe this issue should be addressed by the appropriate Committee of the Congress as part of a more comprehensive legislative package.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

Amendment No. 19: Provides a total of \$58,494,000 in new budget (obligational) authority as proposed by the Senate instead of

\$53,045,000 as proposed by the House. The conference agreement provides \$58,494,000 for the Antitrust Division, which allows for their requested adjustments to base, less \$509,000 associated with GSA space rental rate reductions. The conference agreement allows for a program enhancement of \$200,000 for litigation arising from investigations into infant formula pricing.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: \$13,500,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that \$13,500,000 of the amounts appropriated to the Antitrust Division be derived by premerger notification filing fees, instead of \$10,000,000 as proposed by the House and \$13,000,000 as proposed by the Senate.

Amendment No. 21: Appropriates \$44,994,000 instead of \$43,045,000 as proposed by the House and \$45,494,000 as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

Restore the matter stricken, amended as follows:

In lieu of the sum "\$10,000,000" proposed in said amendment, insert the following: \$13,500,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores and amends House language, stricken by the Senate, to make fees collected in fiscal year 1992, that are in excess of \$13,500,000, available in fiscal year 1993.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the phrase "within the State of South Carolina" proposed in said amendment, insert the following: *on the campus of the University of South Carolina* and, in lieu of the sum "\$728,259,000" named in said amendment, insert the following: \$720,737,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill appropriates \$720,737,000 for the U.S. Attorneys, and provides languages making \$5,000,000 available for debt collection activities, \$1,200,000 available for Project EAGLE, and \$8,000 available for official reception and representation expenses.

The Senate amendment appropriates \$728,259,000, includes the House designations, and inserts new language designating \$10,000,000 for relocating the Department's Legal Education Program to a site in South Carolina, and new language designating \$9,000,000 for a program to allow the U.S. Attorneys to enter into cooperative agreements with State and local agencies.

The conference agreement includes the Senate language, amended to specify that the Legal Education Program is to be relocated at the University of South Carolina. The conferees agree that the Department should present its plan for relocation of the

Legal Education Program to the Committees on Appropriations of the House and Senate by no later than December 31, 1991.

The conference agreement also appropriates \$720,737,000 for the U.S. Attorneys, which provides for requested adjustments to base, less \$9,622,000 associated with GSA space rental rate reductions, and \$5,700,000 in program growth for criminal litigation.

**Allocating Assistant U.S. Attorneys.**—The conferees agree that the Department should consider the increases in high priority caseload, such as defense procurement fraud, drug cases, S&L prosecutions, and criminal aliens, in allocating Assistant U.S. Attorneys (AUSAs) to the various districts.

**Telemarketing Fraud.**—The conferees agree that telemarketing fraud investigations should be accorded a higher priority for the Department, and that the Department should provide a report to the Committees by February 1, 1992 on the steps being taken to combat telemarketing fraud.

**Operation Weed and Seed.**—The conference agreement includes language, requested by the Department, which represents a new integrated approach for attacking the drug problem. Operation Weed and Seed joins together Federal, State and local law enforcement and social services agencies with community organizations to reduce illegal drugs and crime and restore neighborhoods. The two major components of this initiative are (1) removing violent criminals from communities (Weed), and (2) rebuilding institutions and activities in those communities (Seed). The authority provided herein will allow the U.S. Attorneys to coordinate the Federal approach, with associated funding to be directed primarily to enforcement and prosecution activities. These funds will be used to pay police and prosecutorial overtime and, in some instances, case related expenses such as the purchase of evidence and information. The U.S. Attorneys will work closely with the Bureau of Justice Assistance to initiate 8 to 12 Weed and Seed demonstration projects in fiscal year 1992.

While the conferees are supportive of this initiative, concerns have been raised about the lack of specificity over the objectives and sources of funding for the "Seed" side of this program. In order to assure a balanced approach in this program, the conferees expect that the funds provided herein for Operation Weed and Seed will be used only for projects that are comprehensive in nature and include specific resource commitments from the other Federal, State or local entities for prevention, intervention, and neighborhood reclamation and revitalization. In addition, the conferees expect the Department to provide quarterly reports to the relevant Committees of Congress on the progress of this program and an accounting of funds obligated by the agencies involved in the various projects.

#### UNITED STATES TRUSTEE SYSTEM FUND

**Amendment No. 24:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the amount proposed by said amendment, insert the following: *\$57,221,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$57,221,000 for the U.S. Trustees instead of \$87,520,000 as proposed by the House and \$69,571,000 as proposed by the Senate. The conference agreement also assumes the availability of an additional \$23,961,000 in

new budget (obligational) authority to be derived by fee collections as discussed below. The total amount available to the U.S. Trustees in fiscal year 1992 will be \$81,182,000, the full budget request, less \$1,000,000 associated with GSA space rental rate reductions. The program enhancement provided herein will allow for a 21 percent increase of 184 new positions for administration of bankruptcy cases.

The conferees have been made aware of ongoing problems within the U.S. Trustees System. Bankruptcy filings have increased by 95% from 1985 to 1990, while Trustee staffing has remained relatively constant. This combination of increasing workload and level staffing has resulted in a growing backlog of unclosed cases, and an inability on the part of the Trustees to adequately investigate cases of bankruptcy fraud.

Currently, funding for the U.S. Trustees is financed totally from bankruptcy filing fees and not from the general Treasury; however, authorizing legislation requires that such funding be specified in an annual appropriations bill. The intent of the original legislation was to make the Trustees a self-funding enterprise by charging a fee for their services. Budget constraints, when coupled with the need to appropriate ever higher amounts for the war on drugs, have precluded the Congress from providing the full amount needed by the U.S. Trustees.

In order to correct this situation, language has been included in section 111 (amendment number 42) which amends title 28 of the United States Code to provide for a slight increase in chapter 1 bankruptcy fees, and to deposit those fees as offsetting collections directly to the Trustee System for use in improving their services. The Congress will continue to appropriate funds for the basic services provided by the Trustees, and will rely on the amounts to be derived from these fee increases for expanded services.

#### SUPPORT OF UNITED STATES PRISONERS

**Amendment No. 25:** Appropriates \$219,125,000 instead of \$218,125,000 as proposed by the House and \$224,125,000 as proposed by the Senate. The conference agreement provides the full budget request for the Care of Prisoners account less amounts associated with prior year carryover. The agreement also provides \$15,000,000 for the Cooperative Agreement Program (CAP).

**Amendment No. 26:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Provided, That, unless a notification as required under section 606 of this Act is submitted to the Committees on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds \$50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds \$25,000 must remain in effect for no less than 15 years.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate, and not in the House bill, which would earmark \$10,000,000 of CAP funding for a cooperative agreement with the State of Hawaii for the housing of Federal prisoners and detainees, and substitutes language placing limitations on the

amount of money that can be spent on CAP projects and on the length of the agreements.

The purpose of the CAP program is to provide a cost-effective means of obtaining detention space for unsentenced Federal prisoners in locations where there is no Federal Detention Facility. While the conferees understand that the cost of construction is significantly higher in Hawaii, the conferees remain concerned that the initial cost estimates for the Hawaii CAP project exceed the national average. In addition, the conferees are concerned that the bed space is guaranteed for 10 years instead of the customary 15 years. Accordingly, this bill calls for a 15-year guarantee.

The conferees continue to support the need for additional Federal detention space in Hawaii. The conferees understand that due to the acute shortage of Federal detention space in Hawaii, the Department has designated the Hawaii project as their number one CAP priority for fiscal year 1992. The conferees support this designation and expect the Department to expedite negotiations with the State of Hawaii on this cooperative agreement.

To assist the Marshals Service in its negotiations, the conferees have included a limitation of \$50,000 on the cost per bed space of individual CAP projects. This level is well above the standard cost of \$35,000 per bed space, and should provide the Marshals with the flexibility to negotiate projects at a reasonable level. The conferees agree that the \$50,000 limitation should be viewed as an upper limit and not a goal. The conferees fully expect the Marshals Service to maintain their average costs at as low a level as possible, otherwise funding for the CAP program could be jeopardized. The conferees request that the Marshals Service provide the Committees on Appropriations with periodic reports on the status of the Hawaii project.

**Alaska Detention Facilities.**—The conferees agree that the Marshals Service should review the requirements of the State of Alaska for participation in the Cooperative Agreement Program and report to the Committee on Appropriations by March 1, 1992, on its findings. Currently many Federal prisoners must be transported out of the State and returned to Alaska for Federal proceedings, at considerable cost to the taxpayer. It may be more appropriate and cost-effective to house such prisoners in Alaska pursuant to a cooperative agreement.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

**Amendment No. 27:** Designates \$18,198,000 for the Cuban Haitian Entrant Program as proposed by the Senate instead of \$19,000,000 as proposed by the House. The conference agreement will allow for full funding of the prevention and conciliation of community disputes activity.

The conferees expect the Community Relations Service to continue its role in combating and responding to hate crimes. In addition, the conferees expect CRS to respond to hate crimes as defined by the Hate Crimes Statistics Act.

#### INTERAGENCY LAW ENFORCEMENT ORGANIZED CRIME DRUG ENFORCEMENT

**Amendment No. 28:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *to include intergovernmental agreements with*

State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$363,374,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$363,374,000 for OCDE as proposed by the House instead of \$380,344,000 as proposed by the Senate. The conference agreement also adds language not in the House or Senate bill, which provides the OCDE Task Force program with the authority to administer a State and local overtime program. These

overtime payments are currently administered by the DEA under their own authorities.

The conference agreement provides the full request for adjustments to base and program enhancements of \$15,000,000. The agreement provides for reimbursements to participating agencies as follows:

## OCDE REIMBURSEMENTS BY AGENCY

(In thousands of dollars)

	Fiscal years—		House	Senate	Conference
	1991 enacted	1992 request			
<b>Drug law enforcement:</b>					
Drug Enforcement Administration .....	93,305	107,04	98,804	107,04	100,304
Federal Bureau of Investigation .....	89,941	107,220	95,150	107,220	97,150
Immigration and naturalization Service .....	10,251	11,463	10,550	10,550	10,550
U.S. Marshals .....	1,082	1,122	1,122	1,122	1,122
Customs Service .....	25,750	30,781	28,286	28,286	28,286
Bureau of Alcohol/Tobacco/Firearms .....	9,981	11,443	10,344	10,344	10,344
Internal Revenue Service .....	33,995	46,153	40,866	37,366	37,366
Coast Guard .....	862	890	890	890	890
<b>Prosecutions:</b>					
U.S. attorneys .....	66,655	82,428	74,092	74,092	74,092
Criminal Division .....	702	723	723	723	723
Tax Division .....	1,194	1,236	1,236	1,236	1,236
<b>Administrative support:</b>					
Administrative staff .....	1,223	1,311	1,311	1,311	1,311
<b>Total .....</b>	<b>334,941</b>	<b>401,974</b>	<b>363,374</b>	<b>380,344</b>	<b>363,374</b>

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

Amendment No. 29: Appropriates \$1,926,092,000 for the FBI instead of \$1,866,832,000 as proposed by the House and \$1,972,807,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base less \$10,617,000 associated with GSA space rental rate limitations, and less \$6,531,000 associated with the absorption of 20 percent of the cost of law enforcement pay reform. The conference agreement provides \$76,700,000 for the following high priority program enhancements:

Other Field Programs .....	\$3,500,000
Drug Program .....	3,500,000
White Collar Crime (S&L) .....	3,500,000
Technical Field Support .....	4,000,000
Fingerprint Identification backlog .....	12,500,000
Integrated Automated Fingerprint Identification System (IAFIS) .....	48,000,000
Relocation and Revitalization (IAFIS) Program Office .....	1,500,000

**Hate Crimes**—The conferees commend the FBI for its work on implementation of the Hate Crimes Statistics Act, especially the use of the Uniform Crime Reporting System to track hate crimes and the comprehensive and sensitive law enforcement training program developed to implement the Act. The conferees expect the FBI to continue to fund in fiscal year 1992 the training of law enforcement personnel to collect data on hate crimes.

## IDENTIFICATION DIVISION RELOCATION AND REVITALIZATION (IAFIS)

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: ; and of which \$48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which \$1,500,000 shall be available to establish an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment proposes an appropriation of \$48,000,000 to allow the FBI to initiate development and acquisition of the Integrated Automated Fingerprint Identification System. The House bill contained no similar provision. The conference agreement provides \$48,000,000 for the initial costs associated with development and acquisition of this vitally needed project to automate the FBI's Fingerprint Identification Division. The conference agreement also includes a program enhancement of \$1,500,000 for establishment of an independent program office to provide appropriate management and oversight by the FBI of their effort to relocate and revitalize the Identification Division, particularly IAFIS.

The conference agreement establishes the independent program office because experience has shown that agencies, such as the FBI, with little or no experience in major systems acquisition, derive tremendous benefit from a program office. The conferees believe that, in choosing a strategy for the development and implementation of plans for this extremely complex project, and for execution of those plans, the Director should have access to the best possible technical advice and counsel.

The conferees expect that the program office will be completely separate from the Identification Division or any other permanent, operational FBI division or office, and will report directly to the Director or his designee. The conference agreement provides a program enhancement of \$1,500,000 and 10 positions, which when combined with existing resources being utilized for relocation and revitalization management, will allow for an office with a staff of at least 25. In addition, sufficient funds are provided to allow the program office to enter into contractual agreements with private industry to provide needed technical advice.

The conferees expect this program office to be set up along lines that have proven successful for other Federal agencies, as follows: (1) the office should be multi-disciplined with an integrated, comprehensive capability to deal with all program issues related to the relocation and automation effort; (2) the

office should be organized in functional directorates or entities including, but not limited to: administration, engineering, configuration management, manufacturing, test facilities, training, legal, contracts, logistics support, and budget and finance; (3) there should be program planning and analysis capability to review the status, problems, risks, and issues associated with this program, as well as provide options and alternatives in response to problem areas; and (4) all functional personnel should be assigned to the program office on a full-time basis, and be collocated and directly responsible to the overall Program Director.

Lastly, in determining IAFIS requirements, the conferees expect the FBI to fully consider the needs of the ultimate user of the system, State and local police officers, and to obtain and consider as many innovative design proposals as possible from industry and other Government agencies.

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which allows the use of appropriated funds for the DEA to conduct drug training programs.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum "\$740,667,000" proposed in said amendment, insert the following: \$716,653,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill provides \$706,286,000 for the salaries and expenses of the DEA and designates \$1,800,000 for research. The Senate amendment provides \$740,667,000 and designates \$1,800,000 for research, and \$1,500,000 for a Washington, D.C. lab. The conference agreement appropriates \$716,653,000 and provides the Senate designations.

The conference agreement provides for requested adjustments to base less \$5,706,000 associated with GSA space rental rate reductions, and less \$2,227,000 associated with the absorption of 20 percent of the cost of law en-

forcement pay reform. The conference agreement provides for the following high priority program enhancements:

Domestic enforcement .....	\$10,000,000
State and local task forces	8,500,000

The conferees are concerned about DEA's proposed regulation regarding affiliated practitioners' ability to prescribe controlled substances, and especially about how this will impact on health care delivery in rural areas. The conferees recognize the need to ensure that every health care practitioner prescribing drugs is properly registered; however, in establishing the new regulations, the conferees expect the DEA to ensure that the new regulation will not limit the ability of nurse practitioners, physician assistants, and other health care professionals to prescribe controlled substances consistent with individual State statutes. The conferees expect the DEA to submit a report on this issue to the Committees on Appropriations prior to implementation of a final regulation.

**IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES**

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the amount proposed in said amendment, insert the following: \$938,241,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$938,241,000 for the salaries and expenses of the INS instead of \$947,041,000 as proposed by the House and \$950,817,000 as proposed by the Senate.

The conference agreement provides for requested adjustments to base less \$3,217,000 associated with GSA space rental rate reductions, less \$3,355,000 associated with the absorption of 20 percent of the cost of law enforcement pay reform, and less \$7,500,000 in base reductions to the Border Patrol associated with the transfer of funds from the Special Forfeiture Fund. The conference agreement provides for the following high priority program enhancements:

Land border inspectors .....	\$5,973,000
Detention and deportation .....	4,336,000
Border patrol agents .....	3,000,000

**Land Border Inspectors.**—The conference agreement provides the full requested increase of \$5,973,000 and 135 positions for additional land border inspectors. These inspectors are needed because of the increased traffic along both the Northern and Southern borders. The conferees are aware of lengthy delays in locations, such as the Blue Water Bridge between Michigan and Canada, which impede U.S.-Canadian trade. The conferees also understand that traffic along the Southern border has reached all-time highs, as evidenced by the 30 percent increase in crossings at El Paso's ports over the past four years. The conferees expect the INS to distribute these additional resources to border sectors based on their workload requirements. The conferees also encourage the INS to retain temporary inspector positions funded in fiscal year 1991 in order to better handle peak workload needs.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following: ; and of which \$312,473,000 shall be available to the Border Patrol program, unless a notification, as required under section 606 of this Act, is submitted to the Committees on Appropriations of the House of Representatives and the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the Amendment of the Senate.

The conference agreement includes language proposed in the Senate amendment, adding language designating \$312,473,000 for the Border Patrol, which can only be adjusted through a reprogramming. No such provision was included in the House bill.

Amendment No. 35: Deletes language proposed in the Senate amendment which would delay implementation of new immigration regulations affecting the admission of artists, athletes and entertainers by 6 months. This language is no longer required, since an identical provision has passed both the House and Senate as separate legislation, and has been sent to the President for his signature.

**Airport Inspections.**—The conferees remain concerned about ongoing delays for arriving passengers at U.S. airports, especially during peak travel times. Such delays impose unacceptable burdens on the traveler, often causing missed connecting flights and detracting from the desirability of traveling to the United States as a tourist destination. The conferees are still committed to the ICAO international processing standard that no passenger wait longer than 45 minutes for inspection by all Federal agencies. The conferees understand that Western European countries, with their strict security requirements, are achieving the 45 minute standard. The conferees agree that it is incumbent upon the INS to work in concert with other Federal agencies, the airlines and airports to achieve the standard.

One means of achieving the standard on a short term basis is through the extension of the Accelerated Citizen Examination (ACE) program. The ACE program allows U.S. citizens to bypass the full INS inspection process in favor of a passport examination and selective inquiry into the automated lookout system. The conferees agree that the ACE program should be an integral part of the total package of options available to INS airport directors to handle peak arrival times. The conferees agree that, when ACE procedures are adopted, they should be applied uniformly at all airports.

**Immigration Preinspection.**—The conferees understand that there is general agreement among the various governmental agencies, both in the United States and the United Kingdom, responsible for the security and facilitation of air travel, that the test of the concept of immigration preinspection from the United Kingdom was an unqualified success. Benefits to be derived under this concept include: expeditious processing of international travelers, avoidance of lengthy delays at U.S. airports upon arrival, improved security, elimination of detention and deportation costs associated with travelers halted before they enter the U.S.

The conferees are aware that many details need to be worked out between the INS and the State Department, and between the United States and the United Kingdom, before this program can be implemented on a permanent basis. Space considerations at airports in the United Kingdom must be negotiated with the appropriate airport authorities. The diplomatic status of INS inspectors must be negotiated with the govern-

ment of the United Kingdom. Also costs associated with the additional INS inspectors in the United Kingdom must be negotiated with the State Department. The conferees believe that the INS should reimburse the State Department for all of the incremental cost increases resulting from the introduction of additional INS personnel associated with this program.

The conferees expect the Department of State, along with the INS, FAA and other affected agencies to initiate the negotiation process for this preinspection program with the United Kingdom by January 30, 1992. The conferees agree that the implementation goal for this program should be September 30, 1992. As the permanent preinspection program is developed, the conferees expect the INS to utilize the London preinspection test as a model for determining which airline routes are affected. The conferees request that quarterly reports be provided the Committees on Appropriations on the status of negotiations, beginning January 30, 1992.

**Inspections User Fee.**—The Immigration Inspections User Fee Account was established in 1986 primarily to provide the means for the INS inspections program to add additional inspectors and enhance automation with the goal of improving services and avoiding delays at U.S. airports. One of the authorized uses of this fee account is the detention and deportation of excludable aliens seized at airports. The conferees are concerned that funds, which could be utilized to add more airport inspectors and help reduce airport delays, are instead being used for detention and deportations. Over the past five years, user fee detention and deportation costs have gone from \$5,500,000 (9% of the user fee budget) to over \$24,000,000 (24% of the budget). The conferees agree that the costs associated with original goals of reducing passenger delays should take precedence over the cost of detaining and deporting excludables. The INS should ensure that sufficient funds are made available to achieve inspector staffing plans prior to committing funds for detention and deportation.

**Immigration Fines.**—The conferees note that the INS has not yet published regulations pertaining to air carrier fine provisions that were included in the Immigration Act of 1990. In view of the benefits to be gained by interdicting potential illegal entrants, the conferees expect the INS to act on industry petitions and issue a proposed rule as soon as possible.

**FEDERAL PRISON SYSTEM SALARIES AND EXPENSES**

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the amount proposed in said amendment, insert the following: \$1,598,920,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$1,598,920,000 for the salaries and expenses of the Federal Prison System instead of \$1,637,299,000 as proposed by the House and \$1,612,635,000 as proposed by the Senate.

The conference agreement provides for requested adjustments to base less \$388,000 associated with GSA space rental rate reductions, and less \$8,327,000 associated with the absorption of 20 percent of the cost of law enforcement pay reform.

The conference agreement provides a net increase of \$103,359,000 for the following high priority programs:

Prison activations .....	\$43,756,000
Prisoner population adjustments .....	42,655,000
Drug abuse treatment program .....	11,948,000
Contract confinement .....	5,000,000

The conference agreement also assumes that an additional \$47,866,000 will be made available for fiscal year 1992 activations from a previously approved transfer from the Assets Forfeiture Fund.

**Parent/Child Programs**—The conferees continue to support prison programs providing child-oriented visiting facilities, parent education programs, and social services to inmate families. The conference agreement assumes the continuing maintenance and implementation of parent/child programs in all female institutions and in a minimum of one male institution per region.

#### BUILDINGS AND FACILITIES

Amendment No. 37: Appropriates \$452,090,000 as proposed by the Senate for the buildings and facilities of the Federal Prison System instead of \$415,090,000 as proposed by the House.

The conference agreement provides for requested adjustments to base, and a total of \$288,666,000 for new construction projects as follows:

Philadelphia MDC .....	\$81,950,000
Houston MDC .....	54,900,000
Base program .....	16,319,000
El Centro INS Detention Center .....	3,497,000
Other high priority projects .....	132,000,000

The conferees understand that the Administration's overall request for prison construction assumed a transfer of \$46,000,000 from the Special Forfeiture Fund, which, when added to \$132,000,000 provided in this appropriation, would fund a \$178,000,000 prison complex. The conferees understand that there will not be a transfer of \$46,000,000 from the Special Forfeiture Fund. The conferees note that the Congress has refrained from partial funding of prisons in the past, and in keeping with that precedent, expects the Bureau of Prisons not to fund the complex, and instead to fund its next highest priority.

The conferees are aware that the Federal Bureau of Prisons has determined that there is a requirement to expand the hospital bed capacity of the Federal prison system. In connection with this program, the conferees encourage the Bureau to examine the feasibility of acquiring use of the St. Michael's Hospital in Texarkana, Arkansas.

The conferees expect the Bureau of Prisons to carry out the provisions contained in both the House and Senate reports accompanying H.R. 2608, concerning the following prison construction issues:

Prisons in the Lower Mississippi Delta Region

Prisons in the Northeast/Mid-Atlantic Regions

Prison Overcrowding  
Constructing Prisons on Military Installations

Hawaii Federal Detention Facility  
Beckley, WV Federal Prison Facility  
King County, WA

LIMITATION ON ADMINISTRATIVE EXPENSES,  
FEDERAL PRISON INDUSTRIES, INCORPORATED

Amendment No. 38: Designates \$3,297,000 as proposed by the Senate for administrative expenses of the Federal Prison System for services as authorized by 5 U.S.C. 3109 instead of \$3,248,000 as proposed by the House.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Amendment No. 39: Designates \$45,000 as proposed by the Senate for official reception and representation expenses instead of \$31,000 as proposed by the House.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language, not contained in the House bill, to waive the four year grant limitation on the receipt of Federal funds for multijurisdictional drug task forces.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language, not contained in the House bill, to make permanent, language contained in the fiscal year 1991 Appropriations Act to set the Federal match for the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant formula program at 75 percent.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following:

SEC. 110. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year, or any other funds available from the Treasury of the United States, shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in 28 U.S.C. 1821(a)(2).

SEC. 111. Effective 60 days after enactment of this Act—(a) Section 1930(a) of title 28, United States Code, as amended, is further amended—

(1) in subsection (3) by striking "\$500" and inserting in lieu thereof "\$600"; and  
(2) in the second sentence of subsection (6), by striking "\$150" and inserting in lieu thereof "\$250", by striking "\$300" and inserting in lieu thereof "\$500", by striking "\$750" and inserting in lieu thereof "\$1,250", by striking "\$2,250" and inserting in lieu thereof "\$3,750", and by striking "\$3,000" and inserting in lieu thereof "\$5,000".

(b) Section 589a(b) of title 28, United States Code, as amended, is further amended—

(1) in subsection (2) by striking "three-fifths" and inserting in lieu thereof "50 percentum"; and

(2) in subsection (5) by striking "all" and inserting in lieu thereof "60 percentum".

(c) Section 589a of title 28, United States Code, as amended, is further amended by adding a new subsection as follows—

"(f) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation "United States Trustee System Fund", to remain available until expended, the following—

(1) 16.7 percentum of the fees collected under section 1930(a)(3) of this title;

(2) 40 percentum of the fees collected under section 1930(a)(6) of this title".

SEC. 112. Section 524 of title 28, United States Code as amended, is further amended—

(1) in subsection (c)(1), by deleting "purposes of the Department of Justice" and inserting in lieu thereof the following: "law enforcement purposes";

(2) by deleting subsection (c)(1)(C), and inserting in lieu thereof the following:

"(C) at the discretion of the Attorney General, the payment of awards for information or assist-

ance leading to a civil or criminal forfeiture involving any federal agency participating in the Fund";

(3) in subsection (c)(1)(F), by deleting the word "drug" preceding the words "law enforcement functions";

(4) in subsection (c)(1)(F), by deleting "the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service", and inserting in lieu thereof the following: "any federal agency participating in the Fund";

(5) by deleting subsection (c)(4) and inserting in lieu thereof the following:

"(4) There shall be deposited in the Fund—  
"(a) all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)), or the Postmaster General of the United States pursuant to 39 U.S.C. 2003(b)(7);  
"(b) all amounts representing the federal equitable share from the forfeiture of property under any State, local or foreign law, for any federal agency participating in the Fund.";

(6) by inserting in subsection (c)(5), immediately following "Amounts in the Fund", the following: ", and in any holding accounts associated with the Fund";

(7) by adding at the end of subsection (c)(9)(C) the following sentence:  
"Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed \$150,000,000."; and

(8) In subsection (c)(9)(E)—  
(A) by deleting ", 1992", and inserting in lieu thereof "of each fiscal year thereafter";  
(B) by deleting "to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution and correctional activities of the Department of Justice.", and inserting in lieu thereof the following:

"to be transferred to any federal agency to procure vehicles, equipment, and other capital investment items for law enforcement, prosecution and correctional activities, and related training requirements.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment adds language, not included in the House bill, which continues in fiscal year 1992 the prohibition on the use of Justice Department funds for payment of witness fees to incarcerated persons testifying in Federal cases.

The conference agreement includes the Senate language, amended to include a prohibition on payments of witness fees to incarcerated persons, not only from amounts appropriated to the Justice Department, but also from any other funds available from the U.S. Treasury, such as the Judgment Fund. It is clearly the intent of Congress that incarcerated individuals not receive any witness fees, and this amendment clarifies that intent.

The conference agreement also includes new language, not in either the House or Senate bills, which attempts to address a serious backlog of bankruptcy cases being handled by the U.S. Trustees. This issue and a detailed discussion of the conference agreement is addressed earlier in the statement of managers under amendment number 25.

The conference agreement also includes new language, not included in either the

House or Senate bill, which amends sections of title 28 of the United States Code dealing with the Assets Forfeiture Fund. The changes are as follows: (1) expands the authority of the Attorney General to utilize Assets Forfeiture Fund balances for law enforcement agencies outside of the Department of Justice; (2) provides additional authority to deposit amounts into the Fund, to include the Federal share of seizures administered through State courts; (3) allows for the investment of balances contained in holding accounts; (4) limits to \$150,000,000 the balance available in the Special Forfeiture Fund; and (5) extends the authorities provided the Attorney General to transfer obligated balances to agencies other than the Justice Department for fiscal year 1993 and beyond.

The conferees note that the section limiting amounts in the Special Forfeiture Fund will have no impact on that fund. Current law provides for the transfer of \$150,000,000 each year into the Special Forfeiture Fund. This provisions does not change that transfer authority. If all funds available in the Special Forfeiture Fund are obligated each year, then \$150,000,000 can still be transferred from the Assets Forfeiture Fund.

**RELATED AGENCIES**

**COMMISSION ON CIVIL RIGHTS  
SALARIES AND EXPENSES**

Amendment No. 43: Appropriates \$7,159,000 as proposed by the House instead of \$7,617,000 as proposed by the Senate. The amount provided will allow the Commission to continue operating at the current year baseline level but does not allow for the re-opening of the remaining four (of the original ten) regional offices.

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
SALARIES AND EXPENSES**

Amendment No. 44: Appropriates \$210,271,000 as proposed by the Senate instead of \$209,875,000 as proposed by the House. The amount provides the full budget request including full funding of the Administration's request for the employment provisions of the Americans with Disabilities Act (ADA).

While the bill does not include proposed language creating an EEOC Technical Assistance Revolving Fund, the conferees are aware of interest in the establishment of such a fund by the EEOC authorizing committees. The conferees support this proposal, which will allow funds to be transferred from the Salaries and Expenses account to capitalize the revolving fund, but remind the Commission that such a transfer would be subject to the reprogramming procedures included in section 606 of this Act.

**FEDERAL COMMUNICATIONS COMMISSION  
SALARIES AND EXPENSES**

Amendment No. 45: Appropriates \$126,309,000 as proposed by the Senate instead of \$67,929,000 as proposed by the House. The amount provided is a direct appropriation and does not include bill language proposed by the Administration which would have increased FCC licensing and enforcement fees.

The conference agreement includes \$30,000 to permit the FCC to continue to subscribe to the Rutgers University Wireless Information Network Laboratory in fiscal year 1992. The conferees also expect the Commission to carry out, within Disabilities Act (ADA).

Amendment No. 46: Reported in technical disagreement. The managers of the part of the House will offer a motion to recede and concur in the Senate amendment.

The conference agreement includes language proposed by the Senate, and carried

for several years in appropriations act, which: (1) prohibits the FEE and spending funds to repeal, retroactively restrict or continue a pending reexamination of current rules to promote ownership of broadcasting licenses by minorities and women; (2) prohibits the FCC from reducing the number of VHF channel assignments for noncommercial educational television stations; and (3) prohibits the use of funds to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and policies of the FCC regarding newspaper/broadcasting cross-ownership. The House bill contained no similar provisions.

**FEDERAL MARITIME COMMISSION  
SALARIES AND EXPENSES**

Amendment No. 47: Appropriates \$17,600,000 instead of \$17,317,000 as proposed by the House and \$17,974,000 as proposed by the Senate. The amount provided includes the GSA rent reduction proposed by the House and does not included funding for an additional position requested for the Commission's Office of Inspector General.

The conferees are aware of a decision by the Commission not to file the vacant director's position in the FCC's New Orleans District Office because of budgetary constraints and to transfer the responsibilities of the New Orleans District Director to Houston. While the New Orleans office remains open, the conferees are concerned that any downgrading of that office could seriously impact the 17 states served by the New Orleans District. Therefore, the conferees expect the Commission to fill the New Orleans director vacancy as soon as possible within the funds provided in this Act.

**FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES**

Amendment No. 48: Provides a total of \$82,700,000 for the Federal Trade Commission instead of \$78,892,000 as proposed by the House and \$83,000,000 as proposed by the Senate.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$13,500,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$82,700,000 of which \$13,500,000 shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976. This amount is based on the level of fees collected thus far in fiscal year 1991. The House had proposed \$10,000,000 and the Senate has proposed \$13,000,000 for this purpose.

The amount provided in the conference agreement includes the GSA rent reduction proposed by the House.

Amendment No. 50: Appropriates \$69,200,000 instead of \$68,892,000 as proposed by the House and \$70,000,000 as proposed by the Senate.

Amendment No. 51: Reported in disagreement.

**SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES**

Amendment No. 52: Adds language inserted by the Senate which clarifies the \$100,000 limitation on expenses associated with consultations with foreign governmental and regulatory officials to include only those

meetings hosted by the Securities and Exchange Commission. The House bill contained no similar provision.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which requires the SEC to raise the rate of fees under section 6(b) of the Securities Act of 1933 from one-fiftieth to one-thirty-second of one percent. The amendment also provides that these fees are to be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process and are to remain available until expended. This increase in the rate of fees will generate an additional \$68,307,000 for the SEC and when added to the \$157,485,000 directly appropriated to the Commission will provide for the full budget request of \$225,792,000. The House bill contained no provision on this matter.

**STATE JUSTICE INSTITUTE  
SALARIES AND EXPENSES**

Amendment No. 54: Appropriates \$13,550,000 for the State Justice Institute instead of \$13,347,000 as proposed by the House and \$13,588,000 as proposed by the Senate.

**TITLE II—DEPARTMENT OF COMMERCE  
NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY  
SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES**

Amendment No. 55: Appropriates \$183,000,000 instead of \$173,942,000 as proposed by the House and \$188,950,000 as proposed by the Senate. The amount in the conference agreement is allocated as follows:

[In thousands of dollars]

Item	Conference agreement
Base request	\$175,841
Building and fire research	350
Furniture flammability	250
Nonenergy inventions	150
Facilities	2,000
Semiconductors	1,500
Superconductors	1,500
Earthquake hazards	409
Light wave research	500
Intelligent machines	500
Total	183,000

Amendment No. 56: Provides a limitation of up to \$11,386,000 for construction of research facilities as proposed by the Senate instead of \$10,340,000 for this purpose as proposed by the House.

The conferees believe that the Center for Integrated Design, Non-Destructive Evaluation and Manufacturing Sciences is making important contributions toward increasing U.S. competitiveness in manufacturing, and intend that the National Institute of Standards and Technology shall continue its support for the Center through December 31, 1992.

**INDUSTRIAL TECHNOLOGY SERVICES**

Amendment No. 57: Reported in technical disagreement. The managers on part of the House will offer a motion to recede and concur in the Senate amendment which adds a provision that waives any other provision of law concerning the use of funds contained in Amendment No. 58. The House bill contained no provision on this matter.

Amendment No. 58: Deletes a provision proposed by the Senate which would have prohibited any person incarcerated in a Federal or State penal institution from receiving any funds appropriated to carry out subpart 1 of part A of Title IV of the Higher Education Act of 1965. The provision would

have also added language waiving any other provision of law concerning the State Extension Services Program—a subject which is addressed in the conference agreement on Amendment No. 57. The House bill contained no provision on this matter.

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION**

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

**FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION**

*For expenses necessary for the construction, acquisition, leasing, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, \$33,200,000, to remain available until expended.*

**CONSTRUCTION**

*For construction, repair, and modification of facilities and minor construction of new facilities and additions to existing facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, \$34,917,000, to remain available until expended.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides, \$33,200,000 for a new account entitled "Fleet Modernization, Shipbuilding and Conversion". Under the conference agreement, these funds will be available for construction, acquisition, leasing, or conversion of vessels including related equipment. The amount provided by the conference agreement includes \$1,000,000 for development of a multibeam sonar.

The Senate had proposed an appropriation of \$100,000,000 for the Fleet Modernization account for all of the purposes contained in the conference agreement except for the leasing of vessels. The conferees inserted the authority to lease vessels to allow NOAA to consider potentially cost effective proposals to

lease vessels for bathymetric surveys of the United States Exclusive Economic Zone and fisheries research and surveys. The conferees encourage NOAA to consider such opportunities. The Senate had also proposed a limitation that would have prohibited the obligation or expenditure of these funds in foreign shipyards. The conferees have deleted this provision, but strongly recommend that the entire NOAA fleet modernization program be carried out by U.S. firms in U.S. shipyards.

The conferees intend that this new account should be part of a long-term program which could take up to 10 to 15 years to replace NOAA's aging fleet. The conferees expect NOAA to undertake a balanced, cost effective program that meets its program requirements without providing for wasteful excess capacity. The conferees are agreed that before obligating any of the funds contained in this account for any new construction, NOAA should review the option of acquiring excess Navy, Coast Guard, or other vessels, and in any event should submit a reprogramming request to the House and Senate Appropriations Committees under the reprogramming procedures of this Act before obligating any funds for any new construction. In addition, the conferees request that the Department of Commerce Inspector General continue his review of NOAA's Fleet Modernization Program, monitor NOAA's use of the funds provided in this account and submit a report to the House and Senate Appropriations Committees on this program by April 1, 1992 and every 6 months thereafter.

The conference agreement also provides a new appropriation for the construction, repair, facility, planning and design, and land acquisition requirements of the National Oceanic and Atmospheric Administration. This new account was not included in either the House or Senate bill. The following projects are funded in the Construction account pursuant to the conference agreement:

(In thousands of dollars)

Item	Conference agreement
NEXRAD facilities and land acquisition	\$23,573
Beaufort, NC Lab	196
NOAA Facilities Initiative	2,000
(Charleston Fisheries Lab repairs)	(700)
Lafayette Fisheries Lab	1,250

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

	1991 currently available	1992 base	Fiscal year 1992—		Senate	Recommended conference
			Total request	House		
National Ocean Service						
Mapping, Charting and Geodesy:						
Mapping and Charting	\$29,727	\$30,371	\$30,371	\$29,915	\$30,371	\$30,371
ANCS II	1,644	1,636	1,636	1,611	1,636	1,636
Great Lakes Mapping Project	500	498	0	491	500	500
Subtotal	31,871	32,505	32,007	32,017	32,507	32,507
Geodesy						
SC Cooperative Geodesy Survey	15,999	16,255	16,255	16,011	16,255	16,255
Land Information System	577	574	0	0	577	577
	1,836	1,827	0	1,800	1,800	1,800
Subtotal	18,412	18,656	16,255	17,811	18,632	18,632
Total, Map., Chart. and Geodesy	50,283	51,161	48,262	49,828	51,139	51,139
Observation and Assessment:						
Observation and Prediction	10,826	11,143	11,143	10,976	11,643	11,643
Circulatory Survey Program	773	769	372	757	372	769
California Marine Obs. Buoys	151	150	0	148	0	150
Tampa Bay Mapping Project	1,500	0	0	0	0	0
Ocean Services	4,800	4,776	4,776	4,704	4,776	4,776
Gulf of Maine Data Collection	250	0	0	0	250	250
COAP	550	497	497	490	0	490
Subtotal	18,850	17,335	16,788	17,075	17,041	18,078
Estuarine and Coastal Assessment						
Ocean Assessment Program	2,184	2,300	2,300	2,266	2,300	2,300
Damage Assessment	12,693	12,630	12,630	12,441	12,630	12,630
New York Bight Center	2,500	2,500	2,500	2,463	2,500	2,500
Prince William Sound Oil Spill	0	0	0	0	0	0
Oil Pollution Act of 1990	2,000	2,000	4,500	1,970	4,500	4,000
Victrola Bluff Tract, S.C. Acquis	0	0	0	0	0	1,500
	0	0	0	0	0	1,000

(In thousands of dollars)

Item	Conference agreement
Alaska Fisheries Center	1,000
Environmental Compliance Project	2,398
Relocation of San Francisco NWS	2,000
New Construction, Above Standards Costs, Boulder	2,500
Total	\$34,917

The House bill contained no provision on any of these matters.

**OPERATIONS, RESEARCH, AND FACILITIES**

(INCLUDING TRANSFERS OF FUNDS)

Amendment No. 60: Designates 439 commissioned officers on the active list for the NOAA corps of commissioned officers as proposed by the House instead of 416 officers as proposed by the Senate.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

*grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements:*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language which will permit the appropriation to be used for grants, contracts, or other payments to nonprofit organizations for conducting activities pursuant to cooperative agreements. The Senate had proposed this language as well as a provision which would have authorized such grants, contracts, or other payments to nonprofit organizations pursuant to memoranda of understanding. The House bill contained no provision on this matter.

Amendment No. 62: Appropriates \$1,453,928,000 instead of \$1,381,550,000 as proposed by the House and \$1,550,769,000 as proposed by the Senate.

The details of the conference agreement are provided in the following table, with appropriate comparisons:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—Continued

	1991 cur- rently avail- able	1992 base	Fiscal year 1992—		Senate	Rec- ommended conference
			Total request	House		
New England/Gulf of Maine Research .....	0	0	0	0	3,000	0
SC Wetlands Demo. Project .....	1,400	1,393	0	0	2,800	1,900
LI Sound .....	1,000	995	0	0	0	0
Damage Assess. Transfer .....	500	500	12,000	11,993	12,000	6,500
Subtotal .....	22,277	22,318	33,930	31,133	42,730	32,330
Coastal Ocean Science .....	10,846	10,290	17,290	10,136	12,000	11,500
Subtotal .....	10,846	10,290	17,290	10,136	12,000	11,500
Total, Observation and Assessment .....	51,973	49,943	68,008	58,344	71,771	61,908
Ocean and Coastal Management:						
Coastal Management:						
CZM Grants .....	35,939	34,452	25,055	34,931	34,931	34,931
CZM Program Administration .....	3,394	3,336	2,839	3,915	4,000	4,000
Acqu. of Estuarine Sanctuaries .....	3,473	3,456	3,456	3,455	4,000	3,705
Charleston, SC. Spec Area Mgt .....	400	0	0	0	1,000	1,000
Non-Point Source Pollution .....	0	0	0	2,000	2,000	2,000
Subtotal .....	43,206	41,244	31,350	44,301	45,931	45,636
Ocean Management .....	1,723	1,666	1,666	1,642	1,666	1,666
Marine Sanctuary Program .....	3,822	3,803	3,306	4,746	5,500	5,000
Farallon Islands Damage Assess .....	500	0	0	0	0	0
Hawaii Humpback Mrne. Sanct .....	250	0	0	0	150	150
Subtotal .....	6,295	5,469	4,972	6,387	7,316	6,816
Coastal America .....			5,000	0	0	0
Total, Ocean and Coastal Mgmt .....	49,501	46,713	41,322	50,688	53,247	52,452
Total, National Ocean Service .....	151,757	147,817	157,592	158,860	176,157	165,499
National Marine Fisheries Service						
Information Collection and Analysis:						
Resource Information .....	57,757	50,354	50,354	49,599	50,354	50,354
Conservation Eng./By Catch .....	750	746	746	735	746	746
Bering Sea Pollock Research .....	1,000	995	995	980	1,000	1,000
Alaskan Groundfish Surveys .....	700	697	697	687	700	700
Aquaculture .....	2,702	2,689	467	2,649	2,689	2,689
Stuttgart .....	2,750	550	0	542	600	600
Multispecies Aquaculture Center .....	0	0	0	0	0	110
West Coast Groundfish .....	843	839	839	826	1,050	839
Fish Cooperative Inst. Enhancement .....	0	0	0	0	400	400
Pacific Salmon Treaty Program .....	5,000	4,975	4,663	5,900	5,900	5,900
Protected Species Research .....	2,899	2,885	2,240	3,842	2,885	3,842
Marine Mammal Research .....	2,000	1,990	2,990	2,960	2,410	2,410
Hawaiian Monk Seals .....	0	0	0	0	550	550
Stellar Sea Lion Recovery Plan .....	0	0	0	0	1,500	1,500
SEAMAP .....	938	933	933	1,419	933	1,419
Habitat Research/Evaluation .....	500	498	0	491	500	500
Chesapeake Bay Studies .....	2,000	1,990	0	1,960	2,500	2,000
MARFIN .....	2,986	2,971	2,971	2,926	4,971	4,000
Right Whale Research .....	235	234	0	230	230	230
Gear Entanglement Studies .....	703	700	700	690	800	700
Alaska Salmon Research .....	2,300	2,289	0	2,255	0	0
Hawaii Stock Management Plan .....	400	398	0	392	750	750
Lobster Research .....	0	0	0	0	300	300
Yukon River Chinook Study .....	235	234	0	230	735	735
Atlantic Bluefin Tuna Research .....	0	0	0	0	350	350
Antarctic Research .....	1,300	1,294	0	1,275	2,000	1,275
New England Stock Depletion .....	647	644	644	1,134	1,400	1,200
Atlantic Salmon Research .....	500	498	0	491	1,000	750
Oyster Disease Research .....	1,352	1,345	0	1,325	1,345	1,500
Laboratory Consolidation .....			(5,000)		(1,300)	(1,300)
North Carolina Marlboro Island .....	1,000	0	0	0	0	0
Gulf of Maine Groundfish Survey .....	500	498	0	491	800	600
Dolphin Research .....	400	398	0	0	0	0
Dolphin Safe Technologies .....	0	0	0	0	1,000	750
Fishery Res. Data Error Reduct .....	0	0	2,000	0	2,000	1,000
Protected Species Pop. Assess .....	0	0	1,000	0	0	0
Hawaiian Sea Turtles .....	0	0	0	0	250	250
Center for Shark Research .....	0	0	0	0	0	150
Subtotal .....	92,397	81,644	67,239	84,029	91,348	88,799
Fishery Industry Information:						
Fish Statistics/Monitoring .....	11,388	11,173	12,173	11,005	13,873	13,873
PACFIN/Catch Effort Data .....	2,000	1,990	1,990	2,460	2,000	2,200
Rec. Fishery Harvest Data .....			1,800	1,000	2,800	2,200
Subtotal .....	13,388	13,163	15,963	14,465	18,673	18,273
Information Analysis and Diss .....	19,288	19,936	19,936	19,637	19,936	19,936
Computer Hardware and Software .....	1,700	1,692	4,992	1,667	3,992	2,800
Subtotal .....	20,988	21,628	24,928	21,304	23,928	22,736
Total, Info. Coll. and Analyses .....	126,773	116,435	108,130	119,798	133,949	129,808
Conservation and Management Ops:						
Fisheries Management Program .....	12,159	12,446	12,446	12,259	12,446	12,446
Columbia River .....	10,300	10,249	0	10,095	14,249	13,000
Management of George's Bank .....	471	469	0	0	1,000	500
Beluga Whale Committee .....	0	0	0	0	200	200
Pacific Tuna Management .....	0	0	0	0	2,000	1,700
Smolt/Squawfish .....	100	100	0	99	120	120
Columbia River Endg. Spec. Stdy .....	300	299	0	0	300	300
Regional Councils .....	8,500	8,458	7,166	8,331	9,450	9,200

	1991 currently available	1992 base	Fiscal year 1992—		Senate	Recommended conference
			Total request	House		
Subtotal	31,830	32,021	19,612	30,784	39,765	37,466
Protected Species Management	4,758	3,817	3,817	3,760	3,817	3,817
End. Species Act Recovery Plan	235	234	234	230	234	234
Marine Mammal Prot. Act Impl	7,500	7,463	7,463	7,351	7,463	7,463
Driftnet Act Implementation	4,300	4,279	3,286	4,215	4,879	4,500
Recyclable fishing nets study					150	150
Hbr Seals, Sea Lions (Sec. 109)	36	36	0	0	36	0
East Coast Observers					1,500	750
Fishery Observer Training	200	199	0	0	200	100
ESA Listing and Status Reviews			1,000	1,000	1,000	1,000
Tissue Bank and Stranding Ntwrk			500	0	500	250
Subtotal	17,029	16,028	16,300	16,556	19,779	18,264
Habitat Conservation	5,857	5,708	5,708	6,622	5,708	6,000
Enforcement and Surveillance	9,385	10,034	10,034	9,883	12,034	11,000
Total, Cons. and Mgmt Operations	64,101	63,791	51,654	63,845	77,286	72,730
State and Industry Assist. Programs:						
Grants To States:						
Interjuris. Fisheries Grants	3,523	3,483	0	3,431	3,483	3,483
Anadromous Grants	2,354	2,342	0	2,307	2,342	2,342
Anadromous Fishery Project	0	0	0	0	0	200
Striped Bass Grants	471	469	0	462	471	471
Interstate Fish Commissions	330	328	0	323	328	328
Seafood Business Education Center	0	0	0	0	0	300
Subtotal	6,678	6,622	0	6,523	6,624	7,124
Fisheries Development Program:						
Fisheries Trade Promotion Act	1,388	1,793	1,793	1,766	1,793	1,793
Product Quality and Safety	9,058	8,873	7,483	8,740	8,873	8,873
Fish Oils	942	937	0	0	937	937
Export Strategies/Mahi Mahi	470	468	0	461	800	800
Model Seafood Inspection Pgm	330	328	0	0	0	0
Shellfish Water Stds. Research	1,500	1,493	0	1,471	0	1,471
Seafood Consumer Center	1,000	995	0	0	0	0
Seafood Inspection			6,500	0	6,500	3,000
Subtotal	14,688	14,887	15,776	12,438	18,903	16,874
Total, State and Industry Assist	21,366	21,509	15,776	18,961	25,527	23,998
Total, NMFS	212,240	201,735	175,560	202,604	236,762	226,536
Oceanic and Atmospheric Research:						
Climate and Air Quality Research:						
Interannual and Seasonal Clim. R	8,264	8,248	8,248	8,124	8,248	8,248
Long-Term Climate and AQ Research	23,515	24,123	24,123	23,761	24,123	24,123
Nat'l Acid Precipitation Ass	1,487	1,480	1,480	1,458	1,480	1,480
Subtotal, Long Term Clim and AQ R	25,002	25,603	25,603	25,219	25,603	25,603
Climate and Global Change	47,253	46,979	77,779	46,274	46,274	47,000
National Climate Program:						
National Climate Program Office	1,090	1,085	0	0	0	0
Subtotal	1,090	1,085	0	0	0	0
Total, Climate and Air Quality Res	81,609	81,915	111,630	79,617	80,125	80,851
Atmospheric Programs:						
Weather Research	28,039	28,438	28,438	28,011	28,438	28,438
PROFS	3,756	3,747	1,877	1,821	3,246	2,500
Wx. Modification Matching Grnts	2,763	2,749	0	2,708	2,749	2,749
Wind Profiler	5,696	5,668	1,480	1,393	5,668	5,000
Subtotal	40,264	40,602	31,795	33,933	40,101	38,687
Solar-Terr. Svcs. and Research	4,724	4,866	5,366	4,793	5,366	5,000
Southeastern Storm Research						400
Total Atmospheric Programs	44,988	45,468	37,161	38,726	45,467	44,087
Ocean and Great Lakes Programs:						
Marine Prediction Research	8,416	8,893	8,893	8,760	8,893	8,893
GLERL	4,722	4,748	4,251	4,677	4,748	4,748
GERL-Zebra Mussel	1,000	995	0	980	980	980
Lake Champlain Study	0	0	0	0	250	200
Pacific Island Tech. Assist	0	0	0	0	250	200
U.N.H. Marine Research	0	0	0	0	2,000	2,000
Vents	2,600	2,587	0	2,548	2,600	2,600
SE US/Carribbean FOCI Program	1,192	1,186	0	1,168	0	1,168
Prince William Sound Institute	0	0	0	0	2,000	500
Florida Laboratory Study	200		0	0	0	0
Oceanology	100		0	0	0	0
Subtotal	18,280	18,409	13,144	18,133	21,721	21,289
Sea Grant:						
Sea Grant College Program	40,824	40,496	25,055	39,889	43,000	41,000
Sea Grant-Zebra Mussel	2,248	1,990	0	2,960	2,000	2,960
Sea Grant-Brown Algae	0	0	0	0	0	50
National Coastal R&D Institute	1,000	995	0	980	1,000	1,000
Subtotal	44,072	43,481	25,055	43,829	46,000	45,010
Undersea Research Program:						
NOAA Undersea Research Program	17,309	16,202	0	15,959	15,959	15,202
Regional Marine Research Centers	0	0	0	0	0	6,500
New York/Bight	0	0	0	0	0	(2000)
NE/Gulf of Maine Center	0	0	0	0	0	(2000)
National Centers	0	0	0	0	0	(2500)
Tropical Research/Key Largo	400	400	0	394	0	394

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—Continued

	1991 currently available	1992 base	Fiscal year 1992—		Senate	Recommended conference
			Total request	House		
Subtotal	17,709	16,602	0	16,353	15,959	22,096
Total, Ocean & Great Lakes Pgms	80,061	78,492	38,199	78,315	83,680	88,395
Total, Oceanic and Atmospheric R	206,658	205,875	186,990	196,658	209,272	213,333
<b>National Weather Service</b>						
Local Warnings and Forecasts	258,163	259,430	259,430	255,539	259,430	259,430
NWS Base Restoration/Pay Raise					4,750	3,000
MARDI	10,000	9,951	11,732	9,802	5,500	9,000
WSFO's—Reduc 8 Stations	787	783	0	771	783	783
Southern Region HQ	852	848	0	835	848	848
Data Buoy Engineering and Test	540	537	0	0	540	540
Data Buoy Maint. for Hawaii	565	562	0	0	565	565
Pacific and Alaska Regional HQ	383	381	0	375	381	381
Agricultural and Fruit Forst Pgm	2,424	2,412	0	2,376	2,412	2,412
Fire Weather Service	470	468	0	461	468	468
Susquehanna R. Basin Flood Svcs	700	697	0	687	697	697
Flood Warning System/Colorado R	300	299	0	295	600	300
Contract Observers	200	199	0	196	200	200
Base Reduction/Equip. Maint	(54)	(54)	(2,054)	0	0	0
Samoa	300	0	0	0	250	250
Regional Climate Centers	2,050	2,041	0	2,010	3,140	3,140
SLOSH Calibration	0	0	0	0	400	400
California Data Buoys	0	0	0	0	0	220
Columbia River Weather Buoy						55
Subtotal	277,680	278,554	269,108	273,347	280,964	282,689
Central Forecast Guidance	28,412	28,189	28,189	27,766	28,189	28,189
Atmospheric and Hydrological Res	2,312	2,296	2,296	2,262	2,296	2,296
Total, Operations & Research	308,404	309,039	299,593	303,375	311,449	313,174
<b>Systems Acquisition:</b>						
Public Warnings and Forecast Syst						
NEXRAD	129,273	113,822	117,646	78,757	117,646	83,427
ASOS	12,506	12,444	13,829	12,257	13,829	13,829
AWIPS/NOAAPORT	20,608	19,909	54,412	19,610	54,412	25,778
NMC Supercomputer Upgrade	7,267	7,231	23,138	11,723	23,138	9,000
System delays/execution					(53,418)	0
Total, Systems Acquisition	169,654	153,406	209,025	122,347	155,607	132,034
Total, National Weather Service	478,058	462,445	508,618	425,722	467,056	445,208
<b>NESDIS</b>						
Satellite Observing Systems:						
Polar Spacecraft & Launching	50,593	50,334	152,144	146,289	152,144	130,289
GOES Spacecraft & Launching	109,229	108,607	148,112	106,978	148,112	118,000
Environmental Observing Svcs	48,418	48,818	53,518	48,086	48,086	48,086
Landsat Operations	9,500	9,453	17,153	9,311	4,500	7,560
Subtotal	217,740	217,212	370,927	310,664	352,842	303,935
Landsat Commercialization	34,755	34,562	0	0	0	2,000
Total, Satellite Observing Syst	252,495	251,774	370,927	310,664	352,842	305,935
Env. Data Management Systems	22,187	22,758	22,758	22,417	22,758	22,758
Data and Information Services		7,000	12,600	11,395	7,000	10,000
Total, Env. Data Management Syst	22,187	29,758	35,358	33,812	29,758	32,758
Total, NESDIS	274,682	281,532	406,285	344,476	382,600	338,693
<b>Program Support</b>						
Administration and Services:						
Executive Director and Admin.	25,376	25,844	25,844	25,456	25,456	25,456
Model Bureau Accounting Syst			1,750	0	0	0
Estuarine Program Office			(500)	0	(500)	(500)
Subtotal	25,376	25,844	27,094	25,456	24,956	24,956
Central Administrative Support	37,435	38,991	38,991	38,406	38,406	38,406
Retired Pay Commissioned Off	5,277	5,638	5,638	5,553	5,638	5,638
Total, Administration and Services	68,088	70,473	71,723	69,415	69,000	69,000
Facilities:						
Maintenance	3,946	1,988	1,988	1,958	1,988	1,988
Woods Hole Fish Lab	670	0	0	0	0	0
Woods Hole Marine Biomedical Inst	0	0	0	0	2,000	2,000
Germantown Fire	1,600	0	0	0	0	0
Subtotal	6,216	1,988	1,988	1,958	3,988	3,988
Consolidation	3,000	2,926	2,926	2,882	2,926	2,926
Subtotal	3,000	2,926	2,926	2,882	2,926	2,926
Total, Facilities	9,216	4,914	4,914	4,840	6,914	6,914
Marine Services:						
DAVIDSON	59,475	62,654	62,654	61,714	59,954	61,514
ALBATROSS IV	2,400	2,390	0	0	0	0
Marine Electronics Agenda	1,600	1,592	0	768	1,200	1,000
New England Science Center	750	746	0	735	0	735
Southeast Marine Center						200
NOAA Corps	282	281	0	277	0	277
Critical Maintenance			(1,500)	0	(1,500)	0
Supplemental—Fuel	1,274		4,000	0	0	0
Total, Marine Services	65,781	67,663	65,154	63,494	59,654	63,726
Supplemental—Fuel	126					
Aircraft Services	8,614	8,916	8,469	8,782	8,900	8,900
Total, program support	151,699	151,966	150,260	145,531	144,468	148,540
Restor GRH Reduction			0	0	0	0
SLUC Adjustment			0	(4,517)	0	(4,517)

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—Continued

	1991 currently available	1992 base	Fiscal year 1992—		Senate	Recommended conference
			Total request	House		
FY 1991 ORF Sequester	(19)	0	0	0	0	0
Data Management Reprogramming Adjust	11	11	(6)	11	11	11
Total direct obligations	1,475,075	1,451,381	1,585,299	1,470,334	1,616,326	1,533,303
Reimbursable Obligations	429,357	429,357	365,116	365,116	365,116	365,116
Total Obligations	1,904,432	1,880,738	1,950,415	1,835,450	1,981,442	1,898,419
Financing:						
Unobligated Balance, Start of Year	(39,738)	0	0	0	0	0
Recoveries of Prior Year Oblig	(6,000)	(6,000)	(6,000)	(9,775)	(9,605)	(9,775)
Offsetting Collections From:						
Federal Funds	(363,004)	(288,024)	(288,024)	(288,024)	(288,024)	(288,024)
Non-Federal Funds	(31,832)	(41,703)	(41,703)	(41,703)	(41,703)	(41,703)
Trust Funds	(34,521)	(35,389)	(35,389)	(35,389)	(35,389)	(35,389)
Subtotal, Financing	(475,095)	0	(371,116)	(374,891)	(374,721)	(374,891)
Budget Authority	1,429,337	1,880,738	1,579,299	1,460,559	1,606,721	1,523,528
Transfers:						
From "Promote & Develop . . . American Fisheries"	(60,900)	(70,800)	(69,738)	(56,600)	(63,100)	(63,100)
From "Damage Assessment and Rest. Revolving Fund"	(5,500)	(12,000)	(12,000)	(12,000)	(12,000)	(6,500)
From "Coastal Energy Impact Fund"	(7,000)	0	0	0	0	0
Subtotal, Transfers	(73,400)	0	(82,800)	(81,738)	(68,600)	(69,600)
Appropriation	1,355,937	1,880,738	1,496,499	1,378,821	1,538,121	1,453,928
Other Accounts: Budget Authority:						
Construction	0	0	0	0	0	34,917
Coastal Zone Management Fund	0	0	0	0	0	0
Fisheries Promotional Fund	2,000	0	0	250	250	(250)
Promote and Develop Fisheries	7,855	0	0	0	0	0
Fishing Vessel and Gear Damage Fund	1,202	1,300	1,300	1,281	1,281	1,281
Fishermen's Contingency Fund	1,000	1,000	1,000	1,000	1,000	1,000
Foreign Fishing Observer Fund	1,997	2,026	2,026	1,996	1,000	1,000
Damage Assess. and Restor. Rev. Fund	(500)	0	(12,000)	(12,000)	(12,000)	(12,000)
Coastal Energy Impact Fund	(7,000)	0	0	0	0	0
Federal Ship Financing Admin. Exp	3,295	0	0	3,400	0	2,700
Oil Spill Liability Trust Fund	0	0	0	0	0	0
Aviation Weather Serv. Trust Fund	34,521	35,389	35,389	34,858	35,389	35,389
Fleet Mod., Shipbuilding and Conv	0	0	0	0	100,000	33,200
Emerg. Weather Satellite Con. Fund	0	0	0	0	110,000	110,000
Total, NOAA Budget Authority	1,473,707	1,920,453	1,607,014	1,491,344	1,843,641	1,731,015

## NATIONAL OCEAN SERVICE

The conference agreement provides \$11,500,000 for the Coastal Ocean Science program. Of this amount, \$700,000 is allocated for estuary research by the University of South Carolina's School of Public Health and the Baruch Institute.

The conference agreement provides \$11,643,000 for observation and prediction. The conferees agree that \$500,000 of this amount is to be used to replace current meters, tide gauges and geodetic reference markers in South Carolina lost as a result of Hurricane Hugo.

The conference agreement includes \$250,000 to continue to pursue priority Gulf of Maine program activities, including monitoring and data management, as identified in the Gulf of Maine action plan and the Gulf of Maine Marine Environmental Quality Monitoring Plan.

The conference agreement provides \$51,636,000 for coastal zone management programs. Of this amount, \$40,931,000 is available for CZM grants (\$6,000,000 is provided through the appropriation "Coastal Zone Management Fund"), of which up to \$600,000 is for section 305 program development grants for the States of Texas, Ohio, and Minnesota. The conferees have provided an increase of \$249,000 over base requirements in the Estuarine Sanctuaries program and recommend that these funds be used to expand the Padilla Bay Reserve in Washington.

It is the conferees' intent that the National Oceanic and Atmospheric Administration provide financial support and technical assistance to help plan, develop, and acquire educational maritime exhibits as part of the Seattle cultural, science, and technology maritime interpretive center. The Maritime Educational Center is supported by the City and Port of Seattle, other State and local agencies, and nonprofit organizations. The conferees expect the National Oceanic and Atmospheric Administration to report to the

Congress on its activities in this regard six months after enactment of H.R. 2608.

The conferees have included \$1,000,000 for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina. This 154 acre parcel of property will be used for a nature park and potentially a state marine fish hatchery. This direct grant is in addition to the FY 1992 allocation of Coastal Zone Management grant funds to South Carolina and it is not intended to be subject to the program's procedures.

## NATIONAL MARINE FISHERIES SERVICE

The conference agreement provides \$150,000 to establish a Center for Shark Research at Mote Marine Laboratory in Sarasota, Florida. The pending adoption of a Federal Management Plan for the U.S. Atlantic, Gulf of Mexico, and Caribbean shark fishery indicates that sharks are a valuable resource that must be managed wisely. In its first year of operation, the center would: 1) enhance public awareness; 2) conduct research; and 3) host an international conference on conservation and management of shark populations.

The conference agreement includes \$110,000 to initiate a Multi-species Aquaculture Center in New Jersey. These funds are to be used to make a grant for site selection, preliminary design and engineering. The purpose of this project is to facilitate the development of aquaculture in New Jersey and the northeast. The conferees are agreed that NOAA should consider a proposal from Rutgers University on this matter.

The conferees intend that the \$1,500,000 provided for the Stellar Sea Lion recovery plan be used to conduct studies recommended by the recovery plan, and that at least 50 percent of those funds be made available to the State of Alaska to undertake Stellar Sea Lion research consistent with the recovery plan.

The conference agreement includes \$1,700,000 for Pacific Tuna and Billfish management activities. This funding will be used to implement the 5-year plan development by the Western Pacific Regional Fishery Management Council in conjunction with the Pacific Basin Development Council. The conferees agree that these funds go only to the Joint Institute for Marine and Atmospheric Research which was created under the terms of a Memorandum of Understanding between NOAA and the University of Hawaii, and that these funds are to supplement, not supplant, fiscal year 1992 funds already intended to support the Western Pacific Regional Fishery Management Council.

The conferees agree to provide \$4,200,000 for recreational fisheries base programs and initiatives. Of these amounts, \$3,000,000 is to be used to implement data error reduction for the Atlantic and Gulf survey which covers high value recreational species such as king and spanish mackerel, snappers and groupers.

With respect to the National Indicator Study (NIS), the conferees expect NOAA to re-establish a cooperative agreement with the Louisiana Universities Marine Consortium (LUMCON). LUMCON will act as the lead academic administrative organization and fiscal agent to carry out the scientific management of the program. The conferees also expect NOAA to make any necessary changes to the Memorandum of Understanding between the National Marine Fisheries Service and the Interstate Shellfish Sanitation Conference (ISSC) to effectively implement the cooperative agreement with LUMCON. However, the conferees expect the ISSC to maintain its important role in establishing priorities, directing, and overseeing the NIS. Finally, the conferees expect NOAA to complete the proposal process and disperse research funding no later than 90 days after submission of the grant application. No more than 5 percent of the

total appropriations for the NIS may be used for NOAA administrative purposes.

The conference agreement includes \$4,000,000 for the marine fisheries initiative (MARFIN). Of this amount, \$500,000 is included to initiate the South Atlantic phase of MARFIN. The expansion is intended as a coordinated research program involving NOAA, North Carolina, South Carolina, Georgia, and Florida, Sea Grant and independent universities. The sum of \$1,300,000 of the amount provided for MARFIN is provided to implement a program for assessing the impact of incidental harvest by the shrimp trawl industry on the fisheries in the Southeast and Gulf of Mexico. This program is explained more fully in Senate report 102-106.

The conferees concur with the Senate report language directing that Mitchell Act hatcheries be operated in a manner so as to implement a program to release fish in the upper Columbia River basin above the Bonneville Dam to assist in the rebuilding of upriver naturally-spawning salmon runs. However, the managers also note that similar language was included in the Senate report in past years and no significant program changes were implemented. In light of the potential listing of certain upriver stocks under the Endangered Species Act, the managers are concerned that a disproportionate percentage of hatchery fish are released in the lower Columbia River (approximately 103,000,000 smolts below The Dalles Dam versus 3,000,000 smolts above The Dalles Dam), and that little effort is being made to release fish in the upper river to supplement natural production.

Accordingly, the conferees strongly urge NOAA to consult with Columbia River treaty fishing tribes and State and Federal fishery agencies and report to the Committees within 120 days of enactment of the FY 1992 appropriations Act on a ten-year plan consistent with Chapter C entitled "Supplementation" of the *Integrated System Plan* unanimously submitted to the Northwest Power Planning Council on June 1, 1991, by the member tribes and agencies of the Columbia Basin Fish and Wildlife Authority. The implementation of such a plan should result in a significant percentage of fish reared in Mitchell Act hatcheries being released in the upper Columbia River basin consistent with the original intent of the Mitchell Act.

In addition to the supplementation program described above, the managers urge that the National Oceanic and Atmospheric Administration consult immediately within the framework of the U.S. v. Oregon Columbia River Management Plan on implementing a pilot program to transfer smolts from lower Columbia River hatcheries for release above The Dalles dam, taking into account the program's feasibility. Any program adopted should not interfere with genetic integrity of existing wild salmon populations.

The conferees are concerned that NOAA's marine mammal research activities should include a focus on marine mammal-fisheries interactions, particularly with fisheries in danger of restrictions due to such interactions.

The conferees agree to provide \$300,000 for a grant to a qualified institution to develop and promote innovative post-secondary education and research in the field of seafood business management and operations. The conferees acknowledge the fine program at Kingsborough Community College Center for Marine Development and Research, New York, which has developed such an educational program to train young people from New York's inner city.

#### OCEANIC AND ATMOSPHERIC RESEARCH

The conferees agree to provide \$15,202,000 for the NOAA Undersea Research Program. The conferees also agree that \$3,200,000 is included for the Hawaiian Undersea Research Laboratory (HURL) as described in the Senate report (102-106).

The conferees agree to provide \$6,500,000 for regional marine centers as authorized by Title IV of the Marine Protection, Research and Sanctuaries Act. Of this amount, \$2,000,000 each is provided for the New York Bight Center and the New England/Gulf of Maine Center. The amount of \$2,500,000 is available for other regional centers.

With respect to the New York Bight Center, the conferees expect the NOAA Administrator to conduct a solicitation and review to establish a new undersea research center for the New York Bight (the waters of the Atlantic Ocean, north of Cape May, New Jersey, and west of Montauk, New York). The conferees are agreed that this solicitation should exclude existing centers. The conferees expect that the new center will be established at a university in a State bordering the New York Bight with an established record in conducting advanced undersea marine science research. The conferees expect that final selection of the university at which the center will be established shall be completed by the end of the calendar year 1991, and that initial funding for this center will be at least \$2,000,000 and made available no later than March 1, 1992.

The conferees intend that these funds be used to support operation, administration, and research at the new center and will include a scientific program to sustain the long-term ecosystem research on the continental shelf, slope and rise. Until the center is established, the conferees expect that the Rutgers Institute of Marine and Coastal Sciences shall continue as the acting undersea center to continue long-term research programs with the U.S. Geological Survey, Woods Hole Oceanographic Institution, Rutgers University, the University of Maryland, and the University of Connecticut on the continental shelf, slope and rise, at the funding level reserved for the new center.

The conferees recommend that the National Oceanic and Atmospheric Administration work cooperatively with the Department of State and the International Joint Commission in planning scientific research that NOAA will subsequently carry out to provide Great Lakes resource managers with knowledge required to overcome critical environmental problems in the Great Lakes. The conferees make this recommendation in the acknowledgement of U.S. research and monitoring obligations outlined in Annexes 11-17 of the U.S.-Canada Water Quality Agreement (1987 Revision).

The conferees have included \$500,000 for the Prince William Sound Oil Spill Recovery Institute. The conferees note that section 5001(b) of the Oil Pollution Act of 1990 specifically restricts the Prince William Sound Oil Spill Recovery Institute to the development of techniques and equipment for responding to arctic and subarctic marine oil spills and to research directly related to the Exxon Valdez oil spill and its effects. In addition, the funds shall not be used to initiate or support litigation on behalf of any party, or to influence any decision by any branch of government. The conferees intend that the Secretary of Commerce, through the Secretary's statutory authority as Chairman of the Advisory Board of the Institute, should ensure that the Institute's activities are in compliance with the Oil Pollution Act. The

conferees further intend that the Secretary of Commerce keep the appropriate committees of the House and Senate apprised of the Institute's activities on a quarterly basis.

The conferees have included \$400,000 for tornado and severe thunderstorm research in the southeastern coastal plain of the United States. The meteorological dynamics of such storms in this region differ significantly from the storms in the Midwest. These research activities should be conducted through a cooperative research program established with a consortium of southeastern universities with qualified atmospheric science research capabilities.

The conferees note the availability of surplus property and U.S. Department of Defense resources allocated to the Navy's oceanographic research work. The conferees expect that NOAA will work in cooperation with the Oceanographer of the Navy to accomplish its oceanic and atmospheric research objectives and will use, to the maximum extent possible, these other available resources of the Department of Defense, the Navy, and the United States Government.

#### NATIONAL WEATHER SERVICE

The conferees have included \$155,607,000 for National Weather Service Modernization. Land acquisition and construction costs for the Next Generation Weather Radar program (NEXRAD) are provided for in a new construction account.

The conferees are pleased that the Department of Commerce and the NEXRAD prime contractor have resolved their contract dispute. The conferees have included \$107,000,000 to fully fund the FY 1992 requirements consistent with the agreement. Accordingly, NOAA is expected to monitor the NEXRAD program closely and ensure that systems are delivered on schedule and meet performance specifications. It is essential that the NEXRAD doppler radars be deployed expeditiously to help reduce the loss of life due to severe weather.

The conferees agree to provide \$9,000,000 for the procurement of a Class VII supercomputer for the National Meteorological Center (NMC) in Suitland, MD, through a lease purchase agreement funded over several years. The conferees agree that the National Meteorological Center needs a new computer to augment the NMC's large scale computational resources and to provide for a complete back-up system in the event of a system failure. This computer should utilize the same operating system software and language compilers that are used on the current system. The conferees strongly urge that any computer be procured from an American vendor.

The conference agreement includes \$55,000 to replace a package of meteorological instruments on a buoy at the mouth of the Columbia River. These instruments are no longer operable, and are necessary to provide wind, wave, and weather conditions to ships that cross the Columbia River Bar. The conferees also agree to provide \$400,000 for data buoys in California.

The conferees agree with the direction in the Senate report (102-106) that requires the National Weather Service to develop improved safeguards intended to ensure that National Weather Service forecasts or any information about the content of the forecasts are not made available to individuals outside the National Weather Service until the forecasts are released to the general public.

The conferees note the proposal of the National Oceanic and Atmospheric Administration to relocate the New York City forecast

office of the National Weather Service to Brookhaven, Long Island. The conferees request and expect NOAA to respond to the concerns raised by the lead National Weather Service forecaster in the New York City forecast office and submit the responses to the House and Senate Appropriations Committees no later than November 1, 1991.

The conferees are aware of NOAA's interest in relocating its Aircraft Operations Center from its current location in private leased space in Miami, Florida. The conferees believe that it might be desirable to relocate this facility to another site in the southeast, and potentially to a military air base or station. Therefore, the NOAA Administrator should submit a study on this issue to the House and Senate Appropriations Committees by March 1, 1992. This study should examine cost and operational impacts of other sites, including but not limited to Charleston, South Carolina, and Jacksonville, Florida.

The conference agreement maintains all National Weather Service stations across the country at least at current operating levels. The conferees further agree that NOAA shall take no action to plan for or to implement any reduction in the Jackson, KY, and Greenville/Greer, SC, Weather Service Offices. The increase provided for the Weather Service is intended to eliminate any financial rationale for reducing these stations. The conferees are concerned that the unique climatological and meteorological conditions at the Jackson and Greenville/Greer stations make any potential proposal to close these stations a risk to the life and safety of residents of these areas.

#### NESDIS

The conferees have reviewed and approved the Secretary of Commerce's recovery plan for the geostationary "GOES" weather satellite program. The conference agreement aligns funding to enable the Secretary to implement this program. The conference agreement provides a total of \$228,000,000 for the GOES program in two separate appropriation accounts. In total, the conference provides \$79,888,000 more than the budget request for geostationary weather satellite programs.

Within the "Operations, Research and Facilities" account, the conference agreement includes \$118,000,000. This amount assumes that NOAA will procure ground systems to ensure interoperability with the European METEOSAT system with \$10,000,000 of funds appropriated in FY 1991. Further, it provides \$7,000,000 for operations and processing of data from the METEOSAT system in FY 1992. A total of \$111,000,000 is provided for the rephased GOES-NEXT program and launch contract requirements. The conferees agree with the Secretary's decision to test and repair the GOES-NEXT "I" and "J" satellites thoroughly prior to launch.

The conferees expect that the NOAA Administrator provide the House and Senate Appropriations Committees with quarterly status reports on the GOES program. These reports should include but not be limited to such topics as: 1) the status of the GOES-NEXT program and especially the sensor testing program; 2) the status of GOES 7; and 3) use of METEOSAT and GMS.

In a separate "GOES Satellite Contingency Fund" account the conferees have provided \$110,000,000 as proposed by the Senate but have deleted Senate proposed bill language that would have required the President to declare an emergency to trigger the release of appropriations. These funds could be used by NOAA to procure a replacement GOES satellite similar to the GOES 7 satellite now

in orbit, should the GOES-NEXT program experience further delays.

The conference agreement provides \$130,289,000 for NOAA Polar-orbiting spacecraft and launching. The agreement assumes the House proposed reduction and acknowledges that launch costs for the Atlas facility at Vandenberg Air Force Base, CA, should be shared equitably between NOAA and the Air Force as has been the case prior to FY 1992.

The conferees have included \$2,000,000 for LANDSAT commercialization. The conferees have taken note of the funding for long-lead parts and construction of LANDSAT 7 that have been provided in other appropriations bills, such as H.R. 2521, the FY 1992 Department of Defense Appropriations bill, as passed the House of Representatives. The conferees recommended that this \$2,000,000 be used for the LANDSAT 7 procurement.

#### MARINE SERVICES

The conference agreement includes \$200,000 for a grant to the New England Science Center to support the development of video teleconferencing programs and the use of telepresence to provide ongoing programming, special presentations, and continuing education to improve science literacy and education. These funds will be used to underwrite activities such as participation in undersea explorations through the use of telepresence and other educational programs and presentations for low-income and minority children, the design of ongoing and special educational programs in a variety of scientific disciplines (including oceanography, marine biology, and meteorology), teacher training components, and costs associated with the establishment of video teleconferencing and telepresence capabilities.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *\$1,000,000 shall be available for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina, of which \$2,000,000 shall be available for a grant to make permanent improvements to the Woods Hole Marine Biological Laboratory, Woods Hole, Massachusetts, of which \$600,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement designates \$1,000,000 for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina, \$2,000,000 for improvements to the Woods Hole Marine Biological Laboratory, and \$600,000 for operational expenses at the Fish Farming Experimental Laboratory, Stuttgart, Arkansas.

The Senate had proposed only to designate \$600,000 for operational expenses at the Fish Farming Experimental Laboratory, Stuttgart, Arkansas, and the House had proposed only to designate \$542,000 for this purpose.

The conference agreement includes \$1,000,000 for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina. This 154 acre parcel would be used for a nature park and potentially for a State Marine Fish Hatchery. The conferees intend that this grant should be in addition to the FY 1992 allocation of Coastal Zone Management funds to South Carolina. Further, the conferees intend that this grant not be subject to the Coastal Zone Management Program's procedures.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds a provision permitting funds designated in the Act for the Fish Farming Experimental Laboratory, Stuttgart, Arkansas, to be used for cooperative agreements as well as operational expenses. The House bill contained no provision on this matter.

Amendment No. 65: Restores language proposed by the House and stricken by the Senate which designates \$394,000 for a semi-tropical research facility located at Key Largo, Florida.

Amendment No. 66: Transfers \$35,389,000 from the Airport and Airways Trust Fund as proposed by the Senate instead of \$34,858,000 as proposed by the House.

Amendment No. 67: Transfers \$63,100,000 from the fund entitled, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" instead of \$69,738,000 for this purpose as proposed by the House and \$56,600,000 as proposed by the Senate.

The conference agreement provides for a transfer of \$63,100,000 from the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" fund. The conference agreement will permit a fiscal year 1992 program level for the usual fisheries research grant activities funded in this account of not less than \$7,000,000, including unused carryover balances from fiscal year 1991.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language providing that Sections 306 and 306(a) Coastal Zone Management grants shall not exceed \$2,000,000 and shall not be less than \$500,000. The Senate amendment also provides an appropriation of up to \$500,000 to be available from the fund entitled, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for NOAA grant management and related activities. The House bill contained no provision on this matter.

#### EMERGENCY WEATHER SATELLITE CONTINGENCY FUND

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

#### GOES SATELLITE CONTINGENCY FUND

*For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, \$110,000,000, to be deposited in a "GOES Satellite Contingency Fund," to remain available until expended: Provided, That these funds shall not become available for obligation until the Secretary of Commerce notifies the Appropriations Committees of the House of Representatives and the Senate that a requirement for these funds exists through the reprogramming provisions of this Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides an appropriation of \$110,000,000 to be deposited in a "GOES Satellite Contingency Fund" to maintain NOAA's Geostationary Meteorological

logical Satellite coverage for monitoring and prediction of hurricanes and severe storms. These funds can be used for but are not limited to procurement of gapfiller satellites, launch vehicles, and payments to foreign governments. The conference agreement provides that these funds shall not become available for obligation until the Secretary of Commerce notifies the Appropriations Committees of the House and Senate that a requirement for these funds exists through the reprogramming provisions of this Act.

The Senate had proposed an appropriation of \$110,000,000 for an Emergency Weather Satellite Contingency Fund for the same purposes as those contained in the conference agreement. Under the Senate proposal, however, these funds would have been available only if the President had sent written notification to the House and Senate Appropriations Committees requesting that the funds be released to address an emergency and if the House and Senate had voted to release these funds to address the emergency. The House bill contained no provision on this matter.

**FISHERIES PROMOTIONAL FUND**

The conferees are agreed that \$250,000 is to be made available from the resources in the Fisheries Promotional Fund for a grant for a feasibility study for the San Francisco Fisheries and Environmental Research Center.

**FOREIGN FISHING OBSERVER FUND**

Amendment No. 70: Appropriates \$1,000,000 as proposed by the Senate from the fees imposed under the foreign fishery observer program, instead of \$1,996,000 for this purpose as proposed by the House.

**FISHING VESSEL OBLIGATIONS GUARANTEES**

Amendment No. 71: Appropriates \$1,000,000 for the subsidy cost of the fishing vessel obligations guarantees program, provides a limitation on total commitments to guarantee loans of up to \$10,000,000, and appropriates \$1,700,000 for administrative costs to carry out the guaranteed loan program instead of \$1,400,000 for the subsidy cost, \$14,000,000 for a limitation on total commitments, and \$2,000,000 for administrative expenses as proposed by the House and stricken by the Senate.

**GENERAL ADMINISTRATION**

**SALARIES AND EXPENSES**

Amendment No. 72: Appropriates \$31,280,000 instead of \$30,611,000 as proposed by the House and \$31,750,000 as proposed by the Senate. The conference agreement reflects the GSA rental cost reduction contained in the House bill, a revised program based of \$31,083,000, and a program increase of \$197,000 for expansion of the Department's procurement oversight functions.

**OFFICE OF INSPECTOR GENERAL**

Amendment No. 73: Appropriates \$15,140,000 instead of \$14,913,000 as proposed by the House and \$15,333,000 as proposed by the Senate. The conference agreement reflects the GSA rental cost reduction contained in the House bill and a revised program base of \$15,140,000.

**BUREAU OF THE CENSUS**

**SALARIES AND EXPENSES**

Amendment No. 74: Appropriates \$125,290,000 instead of \$123,009,000 as proposed by the House and \$127,960,000 as proposed by the Senate.

The conference agreement provides a revised program base of \$123,490,000 and reflects the GSA rental cost reduction contained in the House bill. The conference agreement also provides \$400,000 to continue three cen-

sus reports relating to cotton and soybean, cotton, and sunflower oil seeds as described in the Senate Appropriations Committee's report. The conference agreement also includes \$1,400,000 for the initiative to improve coverage of the service sector of the national economy.

The conferees are concerned about the treatment by the Bureau of the Census of municipalities which are designated as "townships" in certain States such as New Jersey. Unlike many other States, townships in New Jersey are fully incorporated municipalities, bearing the same rights and responsibilities as cities, towns, villages, and boroughs in other States. The Bureau's reluctance to recognize this fact may distort data which is provided to the public and may inaccurately reflect the actual status of New Jersey townships. The conferees urge the Bureau to consider this matter and to submit a report to the House and Senate Appropriations Committees by February 1, 1992 concerning its findings and recommendations to address this issue.

**PERIODIC CENSUSES AND PROGRAMS**

Amendment No. 75: Appropriates \$165,000,000 instead of \$172,357,000 as proposed by the House and \$145,000,000 as proposed by the Senate. The conference agreement will provide funding for publication of all the information, statistics, and other products planned in the President's fiscal year 1992 budget request for this account and the Census Bureau is expected to make all of this information available to users expeditiously. The reduction of \$10,000,000 from the budget request is due entirely to savings and prior year recoveries which are projected to total at least \$10,000,000 by the end of fiscal year 1991 and carry over into fiscal year 1992.

The conference agreement will provide the funding requested to tabulate and distribute information from the 1990 Decennial Census and the other periodic census. This data includes information on commuting patterns, income, education, housing patterns and other products of vital interest to state and local governments, demographers, planners, and other interested parties. The conference agreement also includes a program increase of \$8,398,000 for planning and testing activities for the year 2000 Decennial Census. The conference agreement also includes \$1,400,000 for the Department of Commerce to enter into a contract with the National Academy of Sciences for the purpose of conducting a comprehensive and independent study of the Decennial Census as outlined in House Report 102-106. Finally, the conference agreement will provide for funds planned for the Census Bureau's Integrated Multiyear ADP Plan to meet future program requirements for censuses and surveys.

**ECONOMIC AND STATISTICAL ANALYSIS**

**SALARIES AND EXPENSES**

Amendment No. 76: Appropriates \$40,380,000 instead of \$38,912,000 as proposed by the House and \$41,994,000 as proposed by the Senate.

The conference agreement reflects a revised program base of \$38,080,000 for this account, including the GSA rental cost reduction proposed by the House. The conference agreement also includes the following program increases: \$1,300,000 to stop the deterioration in GNP statistics; \$500,000 to modernize and extend the Standard National Accounts; and \$500,000 to improve balance of payments statistics.

**INTERNATIONAL TRADE ADMINISTRATION**

**OPERATIONS AND ADMINISTRATION**

Amendment No. 77: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said agreement, insert the following: \$207,160,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House had proposed an appropriation of \$194,875,000 for this account and the Senate had proposed an appropriation of \$203,814,000. The conference agreement provides \$207,160,000 as detailed in the following table:

Item	Conference agreement
Base request .....	\$185,609
SLUC reduction .....	-1,132
TC2 .....	3,315
New materials center .....	3,000
Foreign staffing .....	2,188
CIMS .....	4,830
Mexico FTA .....	450
Seattle Asian Research Center .....	100
Domestic US&FCS support .....	450
National Textile Center .....	8,000
Native American Trade Council ..	350
<b>Total .....</b>	<b>\$207,160</b>

The conferees are concerned about the proposal of the U.S. and Foreign Commercial Service to initiate an E-Mail System between its domestic offices and overseas locations. The conferees have provided resources and direction to the Department of State to plan and implement an enhanced Diplomatic Telecommunications Service to serve the telecommunications requirements of all U.S. agencies at overseas locations. Therefore, the conferees expect that the U.S. and Foreign Commercial Service as well as all other U.S. Government agencies with overseas operations will not proceed independently to provide upgraded communications capabilities, pending the development of the enhanced Diplomatic Telecommunications Service.

The conferees are agreed that the Department of Commerce requires certain trade data in order to meet its statutory responsibilities for the promotion and regulation of trade. These requirements include: (1) data on the State of origin of United States goods exported to Canada, as required by the United States-Canada Data Exchange Agreement; (2) data on the State of an exporter for the National Trade Data Bank; and (3) data on United States exporters in support of the Department's export promotion programs. The conferees are agreed that at the present time, the Department does not possess all of this necessary data, although the Department has the capability to produce an extensive new data base on exporters and exports to meet these responsibilities. The conferees are further agreed that if the Department does not presently have sufficient resources to develop this new data base, it should request sufficient resources in the fiscal year 1993 budget to fulfill its responsibilities pursuant to international agreements, U.S. law, and administration policy.

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: , of which \$3,000,000 is for support costs of a new materials center in Ames, Iowa, and of which \$15,221,000 is for the Office of Textiles and Apparel, including \$3,315,000 for a grant to the Tailored Clothing Technology Corporation, and \$8,000,000 for a grant to the National Textile Center University Research Consortium.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement designates \$15,221,000 for the Office of Textiles and Apparel, including \$3,315,000 for a grant to the Tailored Clothing Technology Corporation and \$8,000,000 for a grant to the National Textile Center University Research Consortium. The conference agreement also includes a designation of \$3,000,000 for support costs of a new materials center in Ames, Iowa.

The Senate had proposed a designation of \$19,406,000 for the Office of Textiles and Apparel, including \$3,000,000 for a grant to the Tailored Clothing Technology Corporation and \$12,500,000 for a grant to the National Textile Center University Research Consortium. The House bill contained no provision on this matter.

The amount provided in the conference agreement for the National Textile Center University Research Consortium will provide \$2,000,000 for each of the four universities participating in this project.

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language that permits funds in the Operations and Administration appropriation of the International Trade Administration to be available for export promotion programs notwithstanding the ceiling on the obligation on funds contained in section 201 of Public Law 99-64. The House bill contained no provision on this matter.

#### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

Amendment No. 80: Appropriates \$39,450,000 instead of \$38,777,000 as proposed by the House and \$41,594,000 as proposed by the Senate. The conference agreement provides for a revised program base for the Bureau of Export Administration and reflects the program savings proposed in the budget because of reduced workload and the GSA rental charge reduction proposed by the House.

The conferees are agreed that the Bureau of Export Administration shall make no reduction in support for regional offices.

#### MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: \$40,500,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House had proposed \$40,880,000 for the Minority Business Development Agency, and the Senate had proposed \$41,578,000. The conference agreement provides \$40,500,000. The conferees intend that \$74,000 of the reduction contained in the conference agreement below the House and Senate amounts should be applied to GSA space rental charges, and the remainder should be applied to base programs.

Amendment No. 82: Designates \$25,000,000 to remain available until expended instead of \$24,941,000 for this purpose as proposed by the House and \$25,321,000 as proposed by the Senate.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the agreement of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: \$15,500,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$15,500,000 for program management instead of \$15,939,000 for this purpose as proposed by the House and \$16,257,000 as proposed by the Senate.

Amendment No. 84: Deletes language proposed by the Senate which would have required the Secretary of Commerce in awarding grants and contracts for the Minority Business Development Center program to give priority to contractors located within the state in which the contract is to be performed. The House bill contained no provision on this matter.

The conferees are concerned that MBDA often contracts with large national accounting firms that may have little understanding of the business and economic development needs of local minority communities. The conferees believe that using local contractors to operate MBDA business development centers could improve the program significantly and urge the Secretary of Commerce and MBDA to give greater preference to local bidders in evaluating and awarding Minority Business Development Center contracts.

The conferees expect that the Minority Business Development Agency will continue to maintain a district office in Boston, Massachusetts at the full funding and staffing level that was provided for in fiscal year 1991.

#### UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

##### SALARIES AND EXPENSES

Amendment No. 85: Appropriates \$17,480,000 instead of \$15,249,000 as proposed by the House and \$18,546,000 as proposed by the Senate. The conference agreement provides for a revised program base of \$15,480,000 for the United States Travel and Tourism Administration and reflects the GSA rental charge reduction as proposed by the House. The conference agreement also includes \$2,000,000 for grants to states whose tourism promotion needs have increased due to disasters.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language to the bill that: (1) waives matching requirements for funds in the FY 1991 Appropriations Act and in the FY 1992 Appropriations Act for grants to States whose tourism promotion needs have increased because of disasters; and (2) designates \$2,000,000 to continue such grants or initiate new disaster grants to States or other eligible entities whose tourism promotion needs have increased due to disasters. The House bill contained no provision on this matter.

#### PATENT AND TRADEMARK OFFICE SALARIES AND EXPENSES

Amendment No. 87: Appropriates \$88,441,000 as proposed by the Senate instead of \$91,887,000 as proposed by the House.

Amendment No. 88: Designates \$86,894,000 to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as proposed by the Senate instead of \$90,340,000 as proposed by the House.

#### TECHNOLOGY ADMINISTRATION SALARIES AND EXPENSES

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum named in said amendment, insert the following: \$4,600,000: *Provided, That Section 212(a)(1) of Public Law 100-519 (102 Stat. 2594) is amended by adding a new paragraph (E) as follows: (E) For the period of October 1, 1991 through September 30, 1992, only, retain and use all earned and unearned monies heretofore or hereafter received, including receipts, revenues, and advanced payments and deposits, to fund all obligations and expenses, including inventories and capital equipment*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House has proposed an appropriation of \$4,318,000 for this account and the Senate had proposed \$4,937,000. The conference agreement provides an appropriation of \$4,600,000 for the Salaries and Expenses account of the Technology Administration. The conference agreement reflects the reduction for GSA space rental costs contained in the House bill. The conference agreement includes sufficient funding to maintain the full base program of the Technology Administration, including the number of positions and full-time equivalents (FTE's) that were filled on September 30, 1991.

The conference agreement also includes a provision not included in either the House or Senate bill which clarifies the authority of the National Technical Information Service to use unearned customer deposits to fund operations. This language confirms existing practice and permits NTIS to use customer deposits for operations where it is technically restricted from doing so at the present time. In placing this section in the Act, the conferees intend that these deposit funds are the legal property of the customer, are to be refunded on demand, and are to be recorded as an obligation when used to finance NTIS' operations or at the time the refund is requested. This provision also confirms the current practice of purchasing inventories and capital equipment through the NTIS fund. This provision supplements existing authority provided in 15 U.S.C. Sec. 3704(b)(1)(B) to purchase capital equipment with net revenues.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

Amendment No. 90: Appropriates \$17,600,000 instead of \$15,861,000 as proposed by the House and \$18,122,000 as proposed by the Senate. The conference agreement includes the GSA space rental cost reduction contained in the House bill and a revised program base of \$16,100,000. The conference agreement also includes \$1,500,000 for NTIA's spectrum management initiative.

#### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

Amendment No. 91: Appropriates \$22,925,000 instead of \$22,428,000 as proposed by the House and \$32,428,000 as proposed by the Senate. The conference agreement includes \$22,275,000 for public telecommunications facilities, planning and construction grants; \$400,000 for the PEACESAT program to install new ground terminals and to secure satellite capacity; and \$250,000 for the American Indian Higher Education Consortium to develop a plan to enhance the programs of the tribally controlled and Bureau of Indian Affairs colleges through telecommunications technologies.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which ear-

marks \$400,000 for the PEACESAT project and \$250,000 for the American Indian Higher Education Consortium study. The House bill contained no similar provision.

**ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION**

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: \$2,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$2,000,000 for the Endowment for Children's Educational Television instead of \$4,000,000 for this purpose as proposed by the Senate. The House bill contained no provision on this matter.

**ECONOMIC DEVELOPMENT ADMINISTRATION SALARIES AND EXPENSES**

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates \$27,632,000 for the Salaries and Expenses account of the Economic Development Administration and adds bill language which permits the funds to be used to monitor projects pursuant to certain provisions of the Public Works Employment Act of 1976, the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977, and adds language stipulating certain requirements for Economic Development Representative positions.

The House bill would have appropriated \$28,218,000 for the Salaries and Expenses account without providing any of the language provisions contained in the Senate amendment and the conference agreement.

**ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS**

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates \$226,836,000 for Economic Development Assistance Programs. In addition, the conference agreement and the Senate provision include bill language which prohibits EDA from reducing any of the grants for university centers below the fiscal year 1991 level. The conference agreement and the Senate provision also contain language which waives certain EDA regulations and all other provisions of law to enable the grantee in Project Number 01-51-21118 to retain any proceeds from the sale of such property for other development purposes and the grantee in Project Number 05-22-00014 to obligate funds on a no-year basis to complete the project.

The House bill contained no provision on any of these matters.

The amount in the conference agreement shall be allocated as follows among the various EDA programs for fiscal year 1992:

[In thousands of dollars]

Item	Conference agreement
Public works grants .....	\$154,160
Planning assistance .....	25,276
Districts .....	(17,708)
Indians .....	(2,960)
States .....	(1,973)
Urban .....	(2,958)
Technical assistance .....	9,900
University centers .....	(7,724)
Economic adjustment .....	23,000

Item	Conference agreement
Trade adjustment assistance ....	14,000
Research and evaluation .....	500
<b>Total .....</b>	<b>\$226,836</b>

The conference agreement includes \$14,000,000 for the Trade Adjustment Assistance Program, including \$13,450,000 for Trade Adjustment Assistance Centers and \$550,000 for industry grants.

The conference agreement includes \$7,724,000 for the University Centers Program under Technical Assistance. This amount represents an increase of \$3,000,000 above the amount provided university centers for fiscal year 1991. The conferees intend that this increase should be used to restore and enhance funding of those centers whose funding had been reduced due to EDA's forced graduation policy. The conferees also intend that the increase provided in the conference agreement should also be made available to all university centers after the centers that were targeted for graduation by EDA have had their funds restored. The conferees believe that each university center should be able to receive a total of approximately \$130,000 if the required match under the University Center Program is available from the sponsoring university.

The conferees are aware of the following applications for economic development assistance, strongly urge the applicants to submit proposals to EDA through the Economic Development Representative in each of their respective States, and strongly recommend that EDA fully consider these applications in accordance with applicable procedures and guidelines:

- (1) City of Cotton Plant, Arkansas, sewage system improvements to accommodate waste water disposal requirements associated with a catfish processing plant;
- (2) Newark, New Jersey, feasibility study for conference/convention facilities;
- (3) Bradley University, Illinois, application for center for economic development assistance;
- (4) Bedford International Festival Foundation, performing arts facility for Bedford County, PA;
- (5) City of Scranton, Pennsylvania, acquisition and renovation of a multitenant office building in the core city;
- (6) Neosho Basin Development Company, Emporia, Kansas, Title IX Sudden and Severe Economic Dislocation Disaster Assistance grant for a revolving loan fund for capitalization of companies in Osage and Lyon Counties, Kansas.

**ECONOMIC DEVELOPMENT GUARANTEED LOANS**

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum "\$565,000" insert: \$800,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$800,000 for the subsidy cost of an EDA loan guarantee program and \$1,614,000 for administrative expenses of the program. The Senate had proposed \$565,000 for the subsidy cost of the loan guarantee program and the same amount as the conference agreement for administrative expenses. The House bill contained no provision on this matter.

The conference agreement will provide for an EDA loan guarantee program of \$5,000,000 for fiscal year 1992 in accordance with OMB baseline subsidy costs for this program. EDA

has not made any loan guarantees during fiscal year 1991, made two guarantees in fiscal year 1990 and fiscal year 1989, and did not make any guarantees in fiscal year 1988 and fiscal year 1987. In light of this record, the conferees believe that the loan guarantee program level provided in the conference agreement should be more than sufficient for fiscal year 1992.

It has been brought to the Conferees' attention that in some coal regions of this country, rich coal reserves are being wasted in mines that are sealed due to burning coal fields. Unique, innovative approaches in reopening these burning mines could result in stable employment and economic development in distressed areas. The conferees therefore urge the Economic Development Administration when reviewing guaranteed loans applications to give every consideration to such an application if submitted.

**ECONOMIC DEVELOPMENT REVOLVING FUND (RESCISSION)**

Amendment No. 97: Deletes rescission of \$42,500,000 proposed by the Senate. The House bill contained no provision on this matter.

**GENERAL PROVISIONS—DEPARTMENT OF COMMERCE**

Amendment No. 98: Deletes section 206 proposed by the Senate which would have required the Secretary of Commerce to designate an individual to serve as a program manager for each NOAA acquisition program with a total cost exceeding \$30,000,000. The provision would also have required each individual so designated to report to the Director of the Systems Program Office and required that Congress be informed bi-annually of the individual so designated. The House bill had no provision on this matter.

The conferees strongly recommend and expect the Secretary of Commerce to designate an individual to serve as program manager for each NOAA acquisition program with a total acquisition cost exceeding \$30,000,000 and that each individual so designated should report to the Director of the Systems Program Office of the agency. The conferees are further agreed that the Secretary should inform the Congress bi-annually of the individuals so designated.

The conferees are agreed that in carrying out the Advanced Technology Program, the Department of Commerce and the National Institute of Standards and Technology shall be guided by the provisions in House Report 102-106 in carrying out section 205 of the fiscal year 1992 Appropriations Act.

**TITLE III—THE JUDICIARY**

**SUPREME COURT OF THE UNITED STATES**

**CARE OF THE BUILDING AND GROUNDS**

Amendment No. 99: Appropriates \$3,801,000 as proposed by the House, instead of \$4,306,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base and program growth of \$250,000 to replace PCB transformer.

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

**SALARIES AND EXPENSES**

Amendment No. 100: Appropriates \$10,775,000 as proposed by the House, instead of \$11,054,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, less \$279,000 associated with GSA space rental rate reductions, and program growth of \$373,000 for additional court personnel.

UNITED STATES COURT OF INTERNATIONAL  
TRADE

SALARIES AND EXPENSES

Amendment No. 101: Appropriates \$9,432,000 as proposed by the House, instead of \$10,495,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, less \$1,063,000 associated with GSA space rental rate reductions.

COURTS OF APPEALS, DISTRICT COURTS, AND  
OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Amendment No. 102: Appropriates \$1,875,000,000, instead of \$1,947,471,000 as proposed by the House and \$1,866,762,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, less \$68,638,000 associated with: GSA space rental rate reductions, FY 1991 supplementals, FY 1991 pay raise absorptions, unauthorized geographic pay enhancements, reestimate of furniture and furnishings, overestimated postal rate increases, and a \$10,000,000 reduction in the automation account.

The conference agreement provides for the following workload and program enhancements:

Magistrate and bankruptcy judges .....	\$11,000,000
New court/clerk personnel .....	3,500,000
Probation/pretrial services personnel .....	3,240,000
Electronic monitoring .....	1,550,000
S&L workload .....	4,000,000

The conference agreement provides \$94,886,000 for Court automation and automation support costs.

Amendment No. 103: Designates \$68,245,000 for space alteration projects as proposed by the House, instead of \$40,648,000 as proposed by the Senate.

Amendment No. 104: Appropriates \$2,100,000 for processing vaccine injury compensation cases as proposed by the Senate, instead of \$1,588,000 as proposed by the House.

DEFENDER SERVICES

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: \$190,621,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$190,621,000 instead of \$185,372,000 as proposed by the House and \$177,386,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, less \$527,000 associated with GSA space rental rate reductions and \$651,000 in FY 1991 pay raise absorptions, and \$29,382,000 for workload enhancements.

The conference agreement provides \$11,524,000 for Death Penalty Resource Centers, the same amount provided in fiscal year 1991.

COURT SECURITY

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: \$81,048,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$81,048,000 instead of \$82,830,000 as proposed

by the House and \$83,102,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, less \$294,000 associated with GSA space rental rate reductions and \$22,000 in FY 1991 pay raise absorptions. The agreement allows for no program growth.

ADMINISTRATIVE OFFICE OF THE UNITED  
STATES COURTS

SALARIES AND EXPENSES

Amendment No. 107: Appropriates \$44,681,000 as proposed by the House, instead of \$44,743,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, less \$413,000 associated with GSA space rental rate reductions and \$687,000 associated with lapse rates. The agreement allows for no program growth.

*Budget Review*—The conferees are concerned that the Judiciary does not have an equivalent review process as that performed by OMB for the Executive Branch agencies. The conferees understand that a number of Judiciary appropriation accounts do not even undergo a review by the Judicial Conference. The conferees expect that all Judiciary appropriation accounts will come under the review of the Judicial Conference for fiscal year 1993. At the least, this review should ensure that there are no inconsistencies among the various budget requests.

Amendment No. 108: Designates \$7,500 for official reception and representation expenses as proposed by the Senate, instead of \$5,150 as proposed by the House.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: \$17,795,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$17,795,000 instead of \$18,795,000 as proposed by the House and \$21,626,000 as proposed by the Senate. The conference agreement provides for requested adjustments to base, less \$129,000 associated with GSA space rental rate reductions and \$76,000 in FY 1991 pay raise absorptions. The agreement allows for program growth of \$1,109,000 for operational training and related personnel support costs. The conferees agree with the direction provided in the House report concerning operational training of Court personnel.

*Sentencing Guideline Training*—The conferees agree that the Federal Judicial Center, the Sentencing Commission, and the Administrative Office need to work more closely to coordinate efforts to accomplish training objectives.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

Amendment No. 110: Appropriates \$9,000,000 as proposed by the Senate instead of \$8,865,000 as proposed by the House. The conference agreement provides for the full budget request.

GENERAL PROVISIONS—THE JUDICIARY

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking out "Barnwell, and Hampton" and inserting in lieu thereof "and Barnwell"; and  
(2) in the first sentence of paragraph (11) by inserting ", Hampton," before "and Jasper".

SEC. 305. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 1992, to receive a salary adjustment in accordance with 28 USC 461.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment adds language, not in the House bill, which moves Hampton County, South Carolina from the Aiken Division of the South Carolina Judicial District to the Beaufort Division of that district. The conference agreement accepts the Senate language and adds new language, not in either the House or Senate bill, which provides the same pay raise for the Supreme Court Justices and other judges of the United States as that previously approved for general schedule employees.

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: \$73,200,000, to remain available until expended, of which not less than \$8,872,000 shall be available only for the State maritime academy programs, and of which \$1,200,000 shall be available for payments to State maritime academies to acquire maritime training simulators: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: Provided further,

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$73,200,000 for the operations and training expenses of the Maritime Administration instead of \$70,920,000 as proposed by the House and \$75,000,000 as proposed by the Senate. The amount provided will fund the budget request for the Maritime Administration excluding the \$1,000,000 requested for additional funds for the research program.

The conference agreement also includes an additional \$1,200,000 for payments to State maritime academies to acquire training simulators. The Senate bill included an earmark of \$2,000,000 for the acquisition of training simulators; the House bill contained no similar provision. In the award of these grants, the Committee recommends that the Administrator provide priority to those State schools that already have raised necessary matching funds, such as the Maine Maritime Academy, the New York State Maritime College, and the Massachusetts Maritime Academy.

In addition, the conference agreement includes language proposed by the Senate earmarking the minimum amount to be provided to the State academies at \$8,872,000 exclusive of support for training simulators.

Finally, the conference agreement includes bill language proposed by the Senate allowing the Maritime Administration to use proceeds from the sale or disposal of obsolete National Defense Reserve Fleet ships for facility and training ship maintenance, modernization, and repair; acquisition of equipment (such as simulators); and fuel costs at the U.S. Merchant Marine Academy and at State Maritime academies. The House bill contained no similar provision.

READY RESERVE FORCE

Amendment No. 113: Appropriate \$233,961,000 as proposed by the Senate instead of \$225,000,000 as proposed by the House.

Amendment No. 114: Deletes language inserted by the Senate which would have required that the funds provided for the Ready Reserve Force be used only to acquire United States-registered ships with an exception to be made for three ships registered in Denmark, and that any repair or modification of any ships acquired with funds appropriated for the RRF be performed only in U.S. shipyards. The House bill contained no similar provisions.

The conferees encourage the Maritime Administration to make every effort to acquire U.S.-built, U.S.-rebuilt, or U.S. documented vessels as the expansion of the Ready Reserve Fleet continues. The conferees are aware, however, that all of the ship types needed may not be available from U.S. sources in the numbers required, and that the acquisition of some foreign flagged ships could be necessary.

COMMISSION ON AGRICULTURAL WORKERS  
SALARIES AND EXPENSES

Amendment No. 115: Appropriates \$1,426,000 as proposed by the House instead of \$1,448,000 as proposed by the Senate.

COMMISSION ON THE BICENTENNIAL OF THE  
UNITED STATES CONSTITUTION  
SALARIES AND EXPENSES

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment insert: \$1,882,000: Provided, That section 7 of Public Law 98-101, as amended by Public Law 99-549, is further amended by striking "December 31, 1991" and inserting in lieu thereof "June 30, 1992": Provided further, That funds provided herein are

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes \$1,882,000 for the termination expenses of the Bicentennial Commission as proposed by the House instead of \$1,911,000 as proposed by the Senate.

The conference agreement also includes new language which extends the authorization of the Commission by six months. This extension is necessary to allow the Commission to complete preparation, printing and distribution of the official Commission History and Final Report and to address any final requests for Bill of Rights educational materials following the Commission's final Bill of Rights celebratory event on December 15, 1991." The Commission has assured the conferees that the funds provided in this Act, along with carryover funds from previous fiscal years, will be sufficient to meet the Commission's obligations through the revised termination date.

COMMISSION ON LEGAL IMMIGRATION REFORM  
SALARIES AND EXPENSES

Amendment No. 117: Deletes Senate language which would have provided funds for the Commission on Legal Immigration Reform. The House bill contained no similar provision.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE  
SALARIES AND EXPENSES

Amendment No. 118: Appropriates \$1,075,000 as proposed by the Senate instead of \$1,059,000 as proposed by the House.

MARINE MAMMAL COMMISSION  
SALARIES AND EXPENSES

Amendment No. 119: Appropriates \$1,250,000 instead of \$1,153,000 as proposed by the House and \$1,300,000 as proposed by the Senate. The conference agreement includes an additional \$97,000 above the budget request to expand the Marine Mammal Commission's research program.

OFFICE OF THE UNITED STATES TRADE  
REPRESENTATIVE  
SALARIES AND EXPENSES

Amendment No. 120: Appropriates \$20,400,000 instead of \$21,077,000 as proposed by the House and \$19,400,000 as proposed by the Senate. The conference agreement provides the full amount requested in the President's Budget for the Office of the United States Trade Representative.

LEGAL SERVICES CORPORATION  
PAYMENT TO THE LEGAL SERVICES  
CORPORATION

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$350,000,000; of which \$296,755,000 is for basic field programs; \$7,848,000 is for Native American programs; \$10,839,000 is for migrant programs; \$488,000 is for special emergency funds; \$1,229,000 is for law school clinics; \$1,117,000 is for supplemental field programs; \$697,000 is for regional training centers; \$8,079,000 is for national support; \$9,263,000 is for State support; \$966,000 is for the Clearinghouse; \$571,000 is for computer assisted legal research regional centers; \$9,774,000 is for Corporation management and administration; \$977,000 is for board initiatives; \$97,000 is for special contingency funds; and \$1,300,000, to remain available until expended, is for a grant for equipment, facilities, and other assets for a National Resource and Training Center suitable to accommodate National Trial Advocacy Institutes for Legal Services Corporation personnel: Provided, That the Corporation in awarding such a grant shall give preference to a university at which such Institutes have been held in at least four of the last five years.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$350,000,000 and certain earmarkings of the funds for the various components of the Corporation's budget including \$1,300,000 for a National Resource and Training Center for legal services attorneys. The Senate bill provided a total of \$350,000,000 with different

earmarkings within the various components of the Corporation's budget. The House bill contained no similar provisions.

Legal Services attorneys are dedicated individuals who are often recent law school graduates willing to accept a salary substantially less than the average lawyer receives in a law firm, private business or government. A substantial portion of the law involved in representing clients who qualify for Legal Services help is in a special field, and the training needed, including software for computers and other resources, is not readily available in each State.

The risk of liability for inadequate representation exists today in every legal field, and Legal Services Corporation field programs have paid up to \$5,800,000 per year for insurance to cover that risk. More training for newly hired attorneys, refresher courses for line attorneys and access to a resource center should reduce the risk and the corresponding premiums. It would also assure compliance with limitations and guidelines for providing services.

To provide both training for recent hires in Legal Services field programs and periodic refresher courses, it would be very desirable to have a courtroom setting, computer services equipment, video aides, and other facilities and equipment available. A limited number of training institutes have been held and partially paid for with per capita registration fees, but more training opportunities need to be available. Therefore, the conference agreement provides funds for a training facility and other resources suitable for such training institutes and a resource center. It is assumed that per capita registration fees would be paid to support the annual costs of the center. These facilities and equipment would also be used for other legal education related purposes by a university where such facilities and equipment are located. The conference agreement also provides that in making this grant, the Legal Services Corporation shall give preference to a university at which National Trial Advocacy Institutes have been held in at least four of the last five years.

The conferees are agreed that this grant is within the general range of grants for support of Legal Services Programs in the Senate amendment.

The following table shows the amounts for each program provided for in fiscal year 1991, in the budget request, in the Senate amendment and in the conference agreement. The House bill did not include funding for the Legal Services Corporation due to lack of authorization.

LEGAL SERVICES CORPORATION  
(In thousands of dollars)

	Fiscal year 1991 enacted	Fiscal year 1992 request	House	Senate	Conference
Basic field programs	\$281,314	\$302,358	(1)	\$297,860	\$296,755
Special emergency funds		500	(1)	490	488
Native American program	7,445	8,030	(1)	7,877	7,848
Migrant programs	10,282	11,090	(1)	10,879	10,839
Law school clinics	1,166	1,258	(1)	1,234	1,229
Supplemental field programs	1,060	1,143	(1)	1,121	1,117
Regional training centers	662	714	(1)	700	697
National support	7,663	8,256	(1)	8,109	8,079
State support	8,315	8,968	(1)	9,298	9,263
Clearinghouse	917	989	(1)	970	966
Computer Assisted Legal Research (CALR) regional centers	541	584	(1)	573	571

## LEGAL SERVICES CORPORATION—Continued

(In thousands of dollars)

	Fiscal year 1991 enacted	Fiscal year 1992 request	House	Senate	Conference
Corporation management and administration	8,821	10,000	(1)	9,810	9,774
Board initiatives		1,000	(1)	981	977
Special contingency funds		100	(1)	98	97
National Resource and Training Center					1,300
Total	328,186	355,000	Defer	350,000	350,000

<sup>1</sup> The House bill did not include funding for the Legal Services Corporation due to lack of authorization.

In recognition of the fact that seven States currently receive no money for State support, the conferees have recommended that the State support line receive an additional \$500,000 to fund State support in Delaware, Hawaii, Iowa, Nebraska, Missouri, South Dakota, and Kansas. The conferees intend that the Corporation shall grant to the basic field program with the largest poverty population within each said State one-seventh of the \$500,000.

The conference agreement provides \$977,000 for board initiatives. The conferees are agreed that such funds may be used to conduct comparative demonstration projects to study, under appropriate standards and criteria, the use of competition in providing effective and efficient legal services of high quality.

SMALL BUSINESS ADMINISTRATION  
SALARIES AND EXPENSES

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: \$235,811,000, of which \$60,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended; of which \$16,000,000 shall be available to implement section 24 of the Small Business Act, as amended, including \$1,000,000 to be made available only to County of Monroe, New York; of which \$1,500,000 shall be available to implement section 25 of the Small Business Act, as amended; of which \$2,900,000 shall be available for the Service Corps of Retired Executives (SCORE); of which \$4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development; of which \$1,000,000 shall be made available for a grant to the New York City Public Library for equipment, supplies and materials for the new Science, Industry, and Business Library; of which \$500,000 shall be available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium sized manufacturers located in rural areas; of which \$150,000 shall be available for a grant to the University of Central Arkansas for the Small Business Institute Program's National Data Center; of which \$4,500,000 shall be available for a grant to the University of Kentucky in Lexington, Kentucky, to assist in construction of the Advanced Science and Technology Commercialization Center; of which \$1,000,000 shall be made available for a grant to Seton Hill College in Greensburg, Pennsylvania, for a Center for Entrepreneurial Opportunity; of which \$1,500,000 shall be available for a grant to the Massachusetts Biotechnology Research Institute to establish and

operate a shared incubator facility and a science and business center; of which \$1,500,000 shall be available for a grant for a New England Regional Biotechnology Transfer Center to be located at a university in the region that has accredited schools of Medicine, Dental Medicine, Human Nutrition and Veterinary Medicine; of which \$1,500,000 shall be available for a grant to Indiana State University for the Center for Interdisciplinary Science Research and Education; of which \$1,000,000 shall be available for a grant to the Michigan Biotechnology Institute for an advanced program of technology transfer in the field of industrial biotechnology to support evaluation, validation and scale-up of early-stage technology and technical assistance to small businesses; of which \$800,000 shall be available for a grant for the development and implementation of an integrated small business data base for the Appalachian Region to be provided to a non-profit organization based in Towanda, Pennsylvania; of which \$340,000 shall be available for a grant to the City of San Francisco, California, for a trade office to provide support, assistance, and research into bilateral trade opportunities between the U.S. and Asia; of which \$55,000 is for a grant to the City of San Francisco, California for the publication of a small business export promotion guide; of which \$375,000 is for a grant to the City of Espanola, New Mexico and \$375,000 is for a grant to County of Rio Arriba, New Mexico for the development of the Espanola Plaza center for cultural enhancement and economic development; and of which \$550,000 is for a grant to County of Rio Arriba, New Mexico for the development of the Cumbres and Toltec Scenic Railroad rural economic development project.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of \$235,811,000 for the salaries and expenses of the Small Business Administration, including \$60,500,000 for grants for Small Business Development Centers. The conference agreement also restores language proposed by the House and stricken by the Senate which earmarks the amount provided for SBDCs and specifies that grants for the Small Business Development Centers are for performance in fiscal year 1992 or fiscal year 1993. The House bill provided a total of \$221,079,000 for SBA salaries and expenses with an earmark of \$61,500,000 for grants for SBDCs. The Senate bill provided a total of \$209,731,000 for salaries and expenses with no earmark for SBDC grants. The conference agreement also includes the GSA rent reduction as proposed by the House.

In addition, the conference agreement earmarks a total of \$16,000,000 to carry out the Natural Resource Development provisions of the Small Business Act. Of this amount, \$1,000,000 is designated for the County of Monroe, New York. The conferees are in agreement that providing these funds to the County of Monroe in no way constitutes any duplication of benefits. The remaining \$15,000,000 is to be distributed according to the existing formula for this program. The House provided 98.5 percent of the base (\$15,000,000) for this program with no specific bill earmark. The Senate bill did not include any provision on this matter.

The conference agreement also includes \$1,500,000 for the Central European Commission and includes an earmark of this amount in the bill. The House provided 98.5 percent of current services (\$1,000,000) for this Commission with no specific bill earmark. The Senate bill did not include any provision on this matter. The conferees are pleased with

the work of the Central European Commission in carrying out the provisions of Section 25 of the Small Business Act in assisting with management and technical development in Czechoslovakia, Poland, and Hungary. Additional funds are provided in this Act to continue these activities and the conferees express their hope that continuity of membership on the Commission will continue in order to facilitate orderly program development.

The conference agreement provides \$2,900,000 for the Service Corps of Retired Executives (SCORE) program and includes language similar to that proposed by the Senate earmarking this amount in the bill. The House bill contained no similar provision.

The conference agreement also includes language earmarking funds for various small business development projects, including four which were proposed in the Senate bill, which are designed: (1) to promote the development of small businesses, particularly in rural and economically depressed areas of the country; (2) to facilitate the more effective transfer of emerging technologies to small business concerns; (3) to assist small businesses in taking advantage of opportunities in international trade; and/or (4) to address the particular needs of women and minorities seeking to initiate and administer successful small businesses. These grants include the following: \$4,000,000 for St. Norbert's College in De Pere, Wisconsin; \$1,000,000 for the New Hampshire Department of Resources and Economic Development; \$1,000,000 for a grant to the New York City Public Library for equipment, supplies and materials for the Science, Industry and Business Library; \$500,000 for the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to manufacturers; \$150,000 for the University of Central Arkansas SBI National Data Center; \$4,500,000 for the University of Kentucky's Advanced Science and Technology Commercialization Center; \$1,000,000 for Seton Hill College for a Center for Entrepreneurial Opportunity, described in House Report 102-106; \$1,500,000 for the Massachusetts Biotechnology Research Institute; \$1,500,000 for a New England Regional Biotechnology Transfer Center; \$1,500,000 for Indiana State University for the Center for Interdisciplinary Science Research and Education for a technology transfer program; \$1,000,000 for the Michigan Biotechnology Institute for an industrial biotechnology transfer program; \$800,000 for a non-profit institute in Towanda, Pennsylvania for an integrated small business data base as described in House Report 102-106; \$395,000 for the City of San Francisco, California, for a U.S.-Asia bilateral trade office and the publication of an export guide, as described in House Report 102-106; \$750,000 for the City of Espanola, New Mexico, for a rural economic development center; and \$550,000 for Rio Arriba County, New Mexico, for a rural business development project. The Senate amendment earmarked the following small business development activities: \$4,000,000 for St. Norbert College; \$1,000,000 for the New Hampshire Department of Resources and Economic Development; \$1,000,000 for the New York City Public Library's new Science, Industry, and Business Library; and \$500,000 for the University of Arkansas at Little Rock. The House bill contained no provision on these matters.

The conference agreement includes \$300,000 and six additional positions to be assigned to the SBA headquarters SBDC program office for additional oversight of the Small Busi-

ness Development Centers, as proposed by the House.

The conference agreement also includes \$100,000 for the New Jersey EXCEL program, as described in Senate Report 102-106.

The conferees are supportive of programs which promote small business in rural areas. The Small Business Reauthorization and Amendments Act of 1990 (P.L. 101-574) directed the Administration to undertake two specific actions designed to promote rural small business. Section 304 directed the Administration to compile a catalog of programs which offer assistance to small business concerns in rural areas. Section 306 directed the SBA to convene regional rural conferences. The conferees expect the Administration to accomplish these actions within the funds made available in this Act. The conferees are encouraged by the Administrator's recent decision to establish an Office of Rural Affairs and Economic Development within the SBA and expect this new office to take a lead role in carrying out the rural small business initiatives.

The conferees note the success of the procurement center representative (PCR) program, which assists small businesses in securing government contracts for various goods and services. According to the SBA, the government will award approximately \$180 billion in contracts to U.S. businesses in fiscal year 1992. Procurement center representatives assigned nationwide aim to ensure that small businesses receive a fair share of those procurement dollars. By promoting more competition for federal contracts, savings to the government from the program this year are an estimated \$330 million, a sum far exceeding the cost of the program. The conferees note that the State of Louisiana is not served by a full-time PCR, although it ranks third in prime contracts awarded from reporting federal installations. The conferees believe that small business opportunities would be greatly enhanced and savings to the government realized by the assignment of a full-time, permanent PCR in Louisiana, and expect the Agency to make such an assignment within the amounts provided as soon as possible.

The conferees are aware that the Small Business Administration entered into a contract with Price Waterhouse, Inc. for an evaluation of SBA's 7(a) guaranteed loan program. The conferees have received information that the Office of Management and Budget has attempted to micro-manage this contract to insure that the program does not receive a strong endorsement. The conferees do not want to influence the contractor's evaluation of the 7(a) program; however, they do not believe that any other entity should do so either. The conferees request that SBA forward to the House and Senate Small Business and Appropriations Committees, within ninety days of receipt, a copy of the contractor's final report along with any additional information or comments deemed appropriate by the Administration.

The conference agreement provides the following amounts for the various items funded in the SBA salaries and expenses account with appropriate comparisons to the House and Senate bills:

(In thousands of dollars)

	House	Senate	Conference
Small Business Dev. Centers ...	61,500	55,750	60,500
Six add'l SBDC Positions .....	300	0	300
SCORE .....	2,725	3,100	2,900
SBI .....	2,945	2,990	2,990
7(j) .....	8,600	8,600	8,600
Women's Outreach .....	1,970	2,000	1,500
Veteran's Outreach .....	452	459	459

(In thousands of dollars)

	House	Senate	Conference
International Trade .....	486	493	493
Advocacy Research/Data Base .....	1,638	1,663	1,638
PASS .....	1,161	1,179	1,179
Women's Council .....	486	493	493
Minority Commission .....	591	600	600
Special Initiatives .....	9,084	6,500	19,445
SBDC Tech. Asst. Program .....	1,182	0	1,000
New Jersey EXCEL .....	0	100	100
Microloan Tech. Asst. ....	0	3,000	3,000
Natural Resources Development .....	14,775	0	16,000
SBDC Central Europe .....	985	0	1,500
Vulnerability Studies .....	0	1,000	500
Financial Systems Upgrade .....	0	500	500
GSA Rent Reduction .....	-2,300	0	-2,300
All other .....	114,499	121,304	114,414
<b>Total Salaries and Expenses .....</b>	<b>221,079</b>	<b>209,731</b>	<b>235,811</b>

(Additional amounts for SBA salaries and expenses are included under the Business Loans Program Account and the Disaster Loan Program Account.)

Amendment No. 123: Restores language proposed by the House and stricken by the Senate which prohibits the Small Business Administration from adopting, implementing or enforcing any rule or regulation relating to Small Business Development Centers and prohibits the SBA from imposing any restrictions, conditions or limitations on the SBDC program that were not in effect on October 1, 1987.

Amendment No. 124: Adds language proposed by the Senate which clarifies that the limitation on imposing new or increased loan guarantee fees or debenture guarantee fees excludes increases provided for elsewhere in this Act. The House bill contained no similar provision.

Amendment No. 125: Deletes language proposed by the Senate which would allow the SBA to impose new or increased user fees or management assistance fees subject to the submission of a reprogramming notification pursuant to section 606 of this Act. The House bill contained no similar provision.

OFFICE OF INSPECTOR GENERAL

Amendment No. 126: Appropriates \$10,000,000 for the SBA Office of Inspector General instead of \$9,757,000 as proposed by the House and \$11,000,000 as proposed by the Senate.

BUSINESS LOANS PROGRAM ACCOUNT

Amendment No. 127: Deletes language proposed by the House and stricken by the Senate which would specify the total amount of loan principal to be guaranteed by the subsidy amounts provided in this Act for the Business Loans Programs.

The conference agreement provides \$245,786,000 to subsidize guaranteed loans under the Business Loans Program Account. Under assumptions existing at the time this bill was considered by both the House and the Senate, this amount would subsidize total loan principal of \$4,819,000,000; however, changing economic assumptions might increase the total principal made possible by this subsidy amount.

The conferees are concerned about continued efficient functioning of the secondary markets for SBA-guaranteed loans and debentures. Strong, viable secondary markets for these securities are crucial in facilitating the flow of capital to small businesses and in ensuring that investors in these securities receive prompt payment from small business borrowers.

To promote the continued orderly functioning of the secondary markets in SBA securities, the conferees recommend the Administrator take appropriate steps to promote market stability, including continuation of existing market management functions, as appropriate. Present contractual re-

lationships should be reviewed in light of previous experience and should be continued if the Administrator determines that these arrangements are in the best interest of small business. SBA should consider continuing these current management arrangements through the procedures authorized under 41 U.S.C. 253(c)(7) to accomplish this purpose.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Provided, further, That, in addition, \$2,600,000 are available until expended for the subsidy cost of \$15,000,000 in direct loans for the Small Business Administration Micro-Loan program.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the House to the amendment of the Senate.

The conference agreement provides \$2,600,000 to subsidize \$15,000,000 for the Small Business Administration Micro-Loan Program. This is an increase of \$800,000 above the amount provided by the Senate. The House bill contained no similar provision. In addition, the conference agreement includes new language in amendment No. 176 providing an authorization for this program. The conference agreement also includes \$3,000,000 in amendment No. 122 for technical assistance associated with this program under the SBA Salaries and Expenses appropriation.

DISASTER LOANS PROGRAM ACCOUNT

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which increases the amount provided to subsidize disaster assistance loans to \$121,555,000 and makes these funds available until expended. The House bill provided \$114,913,000 for disaster loan subsidies and did not make the funds available until expended.

The conference agreement provides full funding of the Administration's request for credit subsidies associated with the disaster loan program.

Amendment No. 130: Provides for a total direct disaster loan level of \$365,000,000 as proposed by the Senate instead of \$344,750,000 as proposed by the House. This amount is consistent with the average disaster loan program level over the past ten years (excluding the high and low years of FY 1989 and FY 1990).

The conferees understand that, consistent with the Administration's proposal for funding unanticipated disaster needs, any funding requirements in excess of the amounts provided in this Act for SBA disaster loan program credit subsidies and/or administrative expenses associated with this program would be designated as "emergency requirements" under the Budget Enforcement Act.

Amendment Nos. 131 and 132: Provide \$78,000,000 for administrative expenses associated with the disaster loan program as proposed by the Senate instead of \$76,830,000 as proposed by the House.

The conferees are concerned that the amounts requested and provided for the administrative expenses associated with the disaster loan program may not be sufficient to adequately maintain the program. In previous years, funding uncertainties for the administrative expenses of the disaster program were dealt with by allowing the transfer of such sums as were necessary from the Disaster Loan Fund. One of the casualties of

credit reform was the elimination of the ability to make this type of transfer from the disaster program account. The conferees, therefore, urge the Administration to make every effort to identify in a timely manner any potential shortfalls in disaster program administrative expenses so that requests for emergency appropriations can be acted on quickly, and those who suffer damages resulting from natural disasters will not endure additional and unnecessary inconvenience.

**SURETY BOND GUARANTEES REVOLVING FUND**  
Amendment No. 133: Appropriates \$14,600,000 for additional capital for the Surety Bond Guarantees Revolving Fund as proposed by the Senate instead of \$14,381,000 as proposed by the House.

**POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND**  
Amendment No. 134: Deletes language proposed by the House and stricken by the Senate which appropriated \$8,400,000 in additional capital for the Pollution Control Equipment Contract Guarantee Revolving Fund. This account now has permanent indefinite borrowing authority from Treasury and does not require annual appropriations.

**TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES**  
**DEPARTMENT OF STATE**  
**ADMINISTRATION OF FOREIGN AFFAIRS**  
**SALARIES AND EXPENSES**

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *\$2,015,335,000, of which \$5,000,000 shall be available only for grants, contracts, and other activities to conduct research and promote international cooperation and of which \$15,000,000 shall be available until expended only for enhancement of the Diplomatic Telecommunications Service (DTS): Provided, That such DTS funds shall not be available for obligation until the Secretary of State notifies the Appropriations Committees of the House of Representatives and the Senate under the reprogramming procedures of this Act that a Diplomatic Telecommunications Service Program Office (DTS-PO) to manage a fully integrated DTS is established, in operation, and has developed a consolidation plan with common architecture, and that a requirement for these funds exists to expand the Diplomatic Telecommunications Service: Provided further, That none of the funds provided in this paragraph shall be available for the Department of State Telecommunications Network (DOSTN) project.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$2,015,335,000 for the State Department's Salaries and Expenses account of which \$5,000,000 shall be available only for grants, contracts, and other activities to conduct research and promote international cooperation pursuant to a program developed by the Bureau of Oceans and International Environmental and Scientific Affairs and submitted to the House and Senate Appropriations Committees under the reprogramming procedures of this Act. The conference agreement also designates \$15,000,000 which shall be available until expended only for enhancement of the Diplomatic Telecommunications Service. However, these funds are not available until such time as the Secretary of

State notifies the Appropriations Committees that a Diplomatic Telecommunications Service Program Office to manage a fully integrated DTS is formed, is operating, and has developed a consolidation plan with common architecture, and that the funds are needed to expand the DTS. Finally, the conference agreement contains a limitation prohibiting any of the funds in the Salaries and Expenses account from being used for the Department of State Telecommunications Network (DOSTN) project.

The House had proposed an appropriation of \$2,021,835,000 for this account and a limitation of \$500,000 for the State Department's Office of Congressional Relations which was stricken by the Senate. The conference agreement deletes the limitation as proposed by the House and stricken by the Senate since the Secretary of State has provided unqualified assurance to the House and Senate Appropriations Committees that the top managers of the Department will conduct a complete review of the Department's legislative affairs functions, policies, and operations and make appropriate changes if merited. Given this assurance, the conferees have deleted the House limitation and recommend that the House and Senate Appropriations Committees review this matter in the fiscal year 1993 budget process.

The Senate had proposed an appropriation of \$2,007,246,000 of which \$20,853,000 would have been available only for the Bureau of Oceans and International Environmental and Scientific Affairs including \$10,000,000 for grants, contracts, and other activities to conduct research and promote international cooperation.

The conference agreement generally reflects the House level for this appropriation account including the House reduction for GSA space rental charges. The conference agreement includes the requested program increase of \$24,000,000 and 232 positions to carry out the Department of State's responsibilities under the Immigration Act of 1990, and \$4,000,000 to continue the machine readable visa project. In addition, the conference agreement includes \$5,000,000 for grants and contracts for the Bureau of Oceans and International Environmental and Scientific Affairs to conduct research and promote international cooperation, and \$3,500,000 for personnel and expenses needed for new posts in the Baltic Nations and Soviet Republics. In addition, the conference agreement prohibits any funding for continuation of the DOSTN procurement and makes a reduction of \$30,000,000 from the House level accordingly. However, the conference agreement provides \$15,000,000 to enhance the Diplomatic Telecommunications Service in accordance with certain requirements.

The conferees are concerned that the Diplomatic Telecommunications Service (DTS), as it is currently configured, is a nonfunctioning entity. Despite numerous MOU's, NSDD's as well as nonofficial coordination documents which espouse a policy of cooperative effort and teamwork, in practice the DTS agencies expend considerable resources on communications, have substantial capabilities in place, and have unilateral and uncoordinated plans to upgrade their separate systems. One of the agencies presently has funds designated to continue the installation/upgrade of its government-owned subsystems. Another agency has a worldwide communications network composed of commercially-leased circuitry which is badly in need of upgrade and improvement, and that agency has plans and funds earmarked to conduct this upgrade by

unilaterally acquiring a new packet switched telecommunications network which it calls DOSTN.

In light of national budgetary constraints, the existing capabilities, and the need to improve communications on a cost effective basis for all U.S. agencies in the Foreign Affairs community, the conferees most strongly recommend that a Diplomatic Telecommunications Service-Program Office (DTS-PO) be created to consolidate and ensure interoperability of the assets and capabilities of the DTS. The conferees expect the DTS-PO to be jointly staffed and managed and have independent funding and contract authority. The conferees are agreed that the purpose of the DTS-PO will be to: (1) sustain current service, (2) satisfy immediate requirements through maximum use of existing assets, and (3) develop and acquire enhanced capabilities to satisfy the jointly validated future communications/information management requirements of a fully integrated DTS and the entire U.S. Government's Foreign Affairs community.

The conferees request that the DTS Program Office prepare a plan to achieve the interoperability of overseas diplomatic telecommunications services. This plan should be submitted to the appropriate committees of the Congress no later than May 1, 1992. This plan should ensure the termination of both the government-owned and leased systems as separate entities. The plan should include proposals and recommendations concerning the transfer of the Operation and Maintenance budgets of the separate portions of the DTS to a new DTS-PO. The conferees are agreed that the DTS-PO should be supported with funds specifically and solely designated for the DTS, and that the DTS-PO and a new DTS Operations and Network Management Center be established at a neutral site.

The conference agreement for the Salaries and Expenses account is intended to implement this policy statement. The agreement provides funds which will be available until expended for an enhancement of the DTS. However, these funds are embargoed until such time as the DTS-PO is formed, actually begins to function and reports back to the Congress with a consolidation plan and common architecture in accordance with the reprogramming procedures of the Committees.

The conferees are agreed that the Department of State should comply with the policy regarding immigration preinspection as stated in this Joint Statement under Amendment No. 35.

Amendment No. 136: Provides that up to \$700,000 shall be available for certain registration fees collected pursuant to section 38 of the Arms Export Control Act as proposed by the Senate instead of \$523,000 for this purpose as proposed by the House.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which permits up to \$6,000,000 of the State Department's Salaries and Expenses appropriation to be transferred to the Working Capital Fund for the purpose of providing payment of medical expenses. The House bill contained no provision on this matter.

**PROTECTION OF FOREIGN MISSIONS AND OFFICIALS**

Amendment No. 138: Appropriates \$10,464,000 instead of \$9,464,000 as proposed by the House and \$11,464,000 as proposed by the Senate. The conference agreement includes \$8,303,000 for reimbursement of New York City for the protection of foreign missions

and officials credited to the United Nations and other international organizations, pursuant to submission of certified billings for any costs incurred.

**MOSCOW EMBASSY RECONSTRUCTION AND SECURITY**

Amendment No. 139: Deletes language proposed by the Senate which would have appropriated \$130,000,000 for a teardown-reconstruction option for a new U.S. embassy in Moscow, and would have required the Secretary of State to seek reimbursement from the Soviet Union for the full costs incurred by the United States as a result of intelligence activities of the Soviet Union. The House bill contained no provision on this matter.

This subject is further addressed in Amendment No. 140.

**ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD**

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *\$545,000,000 of which \$100,000,000 is available for construction of an entirely new and secure chancery for the United States Embassy in Moscow, U.S.S.R.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of \$545,000,000 for the State Department's Acquisition and Maintenance of Buildings Abroad account. Of this amount, \$100,000,000 is for construction of an entirely new and secure chancery for the United States Embassy in Moscow. The House had proposed an appropriation of \$552,594,000 of which \$130,000,000 was to be available for construction of chancery facilities in Moscow. The Senate had proposed an appropriation of \$430,000,000 for the account with no designation for construction of chancery facilities in Moscow.

The conference agreement includes \$415,000,000 for the regular Foreign Buildings Program of construction and maintenance of facilities and \$30,000,000 for facilities in the Baltic Republics and other sites in the U.S.S.R. and Eastern Europe.

The following table shows a distribution of the conference agreement among the various items funded in this account:

(In thousands of dollars)

	Conference agreement
Capital program .....	\$50,372
Leasehold program .....	123,467
Functional programs:	
Physical security upgrades .....	8,098
Fire life safety .....	5,447
Energy conservation .....	800
Seismic program .....	545
Power support .....	5,220
PCC renovation .....	3,540
Asbestos program .....	2,740
Maintenance of buildings .....	59,153
Facility rehabilitation .....	23,775
Facility maintenance assistance .....	24,045
Furniture and furnishings .....	4,200
Applied engineering .....	520
Project supervision .....	8,083
Project management .....	10,000
Construction security .....	44,000
Subtotal .....	374,000
Administration .....	41,000
Regular Programs .....	415,000
New and Secure Chancery for Moscow, U.S.S.R. ....	100,000
Baltics, other sites in U.S.S.R. and Eastern Europe ..	30,000
Grand Total .....	545,000

Of the total amount of \$545,000,000 provided in the conference agreement, \$100,000,000 is designated toward the cost of constructing and procuring equipment and other services necessary to provide an entirely new and secure chancery for the United States Embassy in Moscow, U.S.S.R. The conferees also have provided \$30,000,000 for renovation, rehabilitation, and construction requirements for U.S. missions in Latvia, Estonia, and Lithuania and sites in the U.S.S.R. and Eastern Europe. The conferees expect the Department of State to consider possible alternatives for the use of the partially constructed new chancery in Moscow and to report the same to the appropriate committees of Congress before making a decision at a later date under the usual reprogramming procedures.

**EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE**

Amendment No. 141: Appropriates \$7,000,000 as proposed by the House instead of \$8,000,000 as proposed by the Senate.

**REPATRIATION LOANS PROGRAM ACCOUNT**

Amendment No. 142: Provides a limitation on the program level for direct loans of up to \$780,000 instead of \$223,000 for this purpose as proposed by the House and stricken by the Senate.

**PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN**

Amendment No. 143: Appropriates \$13,784,000 as proposed by the Senate instead of \$13,334,000 as proposed by the House.

**INTERNATIONAL ORGANIZATIONS AND CONFERENCES**

**CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

Amendment No. 144: Appropriates \$842,384,000 as proposed by the Senate instead of \$866,774,000 as proposed by the House. The conference agreement provides full funding of the fiscal year 1992 annual requirements for U.S. assessed contributions to international organizations and 20 percent of arrearages.

Amendment No. 145: Designates \$92,719,000 to pay arrearages as proposed by the Senate instead of \$117,109,000 for this purpose as proposed by the House.

The bill language as agreed to by the House and Senate provides that the payment of arrearages shall be directed towards special activities that are mutually agreed upon by the United States and the respective international organization. The conferees expect that the Department of State will submit a reprogramming to the House and Senate Appropriations Committees under the reprogramming provisions of this Act, concerning any such agreements before any payment of arrearages is made to any of the international organizations.

Amendment No. 146: Deletes a provision proposed by the Senate which would have required the Secretary of State to certify that the United Nations and each specialized agency are making progress in increasing American professional staff positions or that an organization has met its geographic distribution formula before any funds for arrearage payments would be available. In addition, the provision would have applied only to those organizations with a geographic distribution formula in effect on January 1, 1991. The House bill contained no provision on this matter.

As the largest contributor to most international organizations, the United States should be assigned a high percentage of jobs in these organizations. While a number of

international organizations have developed geographic distribution formulas as a guide to hiring personnel from specific countries, the employment of American professional staff members meets the geographic distribution formula in only two organizations—the United Nations and the World Health Organization. In many cases little or no progress has been made in the past 10 years in increasing American employment.

The conferees are concerned that too few Americans are employed in international organizations and strongly urge and expect the Inspector General to review the hiring practices of these organizations in order to ascertain the facts and recommend processes and procedures to increase American employment. In addition, the Inspector General should identify any institutional barriers to or biases against the hiring of American personnel, and recommend appropriate action.

The conferees strongly recommend that the House and Senate Appropriations Committees review hiring patterns at international organizations during the coming year to determine whether progress is being made in increasing American employment. To the extent that it is not, the conferees recommend that the Committees reconsider amendments such as that included by the Senate in the FY 1992 appropriations bill.

The conferees note that Public Law 100-204 established the United States Commission on Improving the Effectiveness of the United Nations. The purpose of the commission is to evaluate the strengths and weaknesses of the United Nations and to provide recommendations to the President and the Congress on ways to improve the effectiveness of the U.N. and the U.S. role in the U.N. system. The 16 members of the commission are appointed by the bipartisan leadership of the Congress and the President. The conferees further note that even though the 12 Congressional appointments have been made and commitments of private contributions to underwrite commissions expenses have been secured, the Presidential appointment have yet to be made. The conferees strongly urge the Department of State to take all necessary action so that the President may make these appointments as soon as possible. The conferees expect the Department to report on the status of these efforts by December 1, 1991.

**CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES**

Amendment No. 147: Appropriates \$107,229,000 for Contributions for International Peacekeeping Activities as proposed by the Senate instead of \$108,856,000 for this purpose as proposed by the House. The conference agreement fully funds annual requirements for United States assessed contributions for international peacekeeping activities and fiscal year 1992 arrearage payments.

Amendment No. 148: Designates \$38,360,000 for arrearage payments as proposed by the Senate instead of \$39,987,000 for this purpose as proposed by the House.

**INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO**

**SALARIES AND EXPENSES**

Amendment No. 149: Appropriates \$11,400,000 as proposed by the House instead of \$10,900,000 as proposed by the Senate. The conference agreement provides \$500,000 above the budget request for this account to fund additional operating requirements for the Nogales, Arizona Wastewater Treatment Facilities.

## CONSTRUCTION

Amendment No. 150: Appropriates \$10,277,000 as proposed by the House instead of \$10,525,000 as proposed by the Senate.

## INTERNATIONAL FISHERIES COMMISSION

Amendment No. 151: Appropriates \$14,000,000 instead of \$12,647,000 as proposed by the House and \$14,758,000 as proposed by the Senate.

The following table shows the conference agreement for various items funded in this account, with appropriate comparisons:

Activities	1992 Re- quest	House Bill	Senate Bill	Con- ference Agree- ment
Great Lakes Fishery Commission .....	\$6,338	\$6,738	\$8,338	\$7,780
Pacific Salmon Commission .....	1,414	1,514	2,000	1,800
North Pacific Marine Sciences Orga- nization .....	50	50	75	75
All Other Commissions and Activi- ties .....	4,345	4,345	4,345	4,345
Total .....	12,147	12,647	14,758	14,000

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a margin to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

*SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion: Provided, That the Secretary of State may waive this provision on a country-by-country basis upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on the diplomatic functions of the United States.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts a general provision prohibiting the State Department from obligating or expending any funds in this Act for contracts with any foreign or United States firm that complies with the Arab League Boycott of Israel or with any such firm that discriminates in the award of subcontracts on the basis of religion, provided that the Secretary of State may waive this provision on a country-by-country basis upon certification to the Congress that such waiver is in the national interest and is necessary to carry on the diplomatic functions of the United States. The Senate had proposed language which is the same as that in the conference agreement except for the waiver provision. The House bill contained no provision on this matter.

The conferees agree that the Department of State should take every action possible to oppose the Arab League Boycott of Israel, and discrimination against U.S. companies owned by Jewish Americans. The conferees, however, are concerned that the amendment proposed by the Senate could have made continued operation of State Department posts in some countries impracticable. Therefore, the conferees have agreed to provide the Secretary of State with waiver authority on a country-by-country basis upon certification to Congress that such waivers are in the national interest and are necessary to conduct diplomatic operations.

Amendment No. 153: Reported in disagreement.

## RELATED AGENCIES

## ARMS CONTROL AND DISARMAMENT AGENCY

## ARMS CONTROL AND DISARMAMENT ACTIVITIES

Amendment No. 154: Deletes the heading "(Including Transfer of Funds)" as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: \$44,527,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$44,527,000 for the fiscal year 1992 operating expenses of the Arms Control and Disarmament Agency, instead of \$43,527,000 as proposed by the House and \$44,423,000 (including a \$2,000,000 transfer of funds) as proposed by the Senate.

The conference agreement includes a base level of funding for the operating programs of the Arms Control and Disarmament Agency and an additional \$1,000,000 for the Agency's external research program.

The conference agreement does not include funds for the additional 24 full-time and two reimbursable staff positions requested for fiscal year 1992. The conferees are aware of continuing unfilled vacancies at the Agency and will consider any request to reprogram Agency resources to utilize these additional positions only after ACDA can successfully demonstrate that every effort has been made to fill the existing slots. The conferees remind the Agency that any such request would be subject to the reprogramming procedures included in section 606 of this Act.

The conference agreement does not include language proposed by the Senate which would have provided \$2,000,000 to be derived by transfer from the Department of State "Acquisition and Maintenance of Buildings Abroad" account.

## COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD SALARIES AND EXPENSES

Amendment No. 156: Appropriates \$200,000 as proposed by the House instead of \$50,000 as proposed by the Senate.

## INTERNATIONAL TRADE COMMISSION

## SALARIES AND EXPENSES

Amendment No. 157: Appropriates \$42,434,000 instead of \$42,934,000 as proposed by the House and \$41,934,000 as proposed by the Senate.

## UNITED STATES INFORMATION AGENCY

## SALARIES AND EXPENSES

Amendment No. 158: Deletes a heading proposed by the Senate referring to the transfer of funds. The House bill contained no similar provision.

Amendment No. 159: Appropriates \$691,725,000 instead of \$681,051,000 as proposed by the House and \$692,275,000 with an additional transfer of \$4,000,000 from the State Department's Acquisition and Maintenance of Buildings Abroad account as proposed by the Senate.

The conference agreement of \$691,725,000 reflects the reduction of \$1,868,000 for GSA space rental rate limitations proposed by the House and an increase of \$1,318,000 above the budget request to cover a portion of the proposed base reductions.

The conferees are concerned about the additional requirements for the U.S. Informa-

tion Service resulting from United States recognition of Latvia, Lithuania, and Estonia as well as the need to adjust the agency's programs in the Union of Soviet Socialist Republics and Eastern European countries. In addition, the conferees are concerned about expansion of USIA and Voice of America programs mandated in other Acts at a time of restricted budgets. Before any funds are obligated or committed for new posts or expansion of posts or for any newly authorized programs, the conferees are agreed that a reprogramming proposal must be submitted to the House and Senate Appropriations Committees in accordance with the reprogramming provisions of this Act.

Amendment No. 160: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language permitting up to \$1,250,000 of the USIA's Salaries and Expenses appropriation to be available for the operation of the International Literary Centre or a nonprofit successor organization as appropriate. The House bill contained no provision on this matter. The conferees support the purposes of this organization which distributes books and periodicals on democracy, economics, law, government, management, and related fields in the Soviet Union and Eastern Europe.

## EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Amendment No. 161: Deletes a heading proposed by the Senate referring to the transfer of funds. The House bill contained no similar provision.

Amendment No. 162: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: \$194,232,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House had proposed an appropriation of \$178,000,000 for the Educational and Cultural Exchange Programs and the Senate had proposed an appropriation of \$186,163,000. The conference agreement provides an appropriation of \$194,232,000.

The following table shows the conference agreement with appropriate comparisons:

(In thousands of dollars)

Program	Request	House	Senate	Conference
Fulbright scholar- ships .....	\$107,065	\$104,365	\$115,065	\$110,000
CAMPUS .....	3,389	3,389	4,422	4,000
International visitors .....	44,336	45,366	45,366	45,000
Humphrey fellowships .....	5,682	5,552	5,682	5,667
Congress-Bundestag exchanges .....	2,465	2,465	2,465	2,465
Institute for Rep- resentative Gov- ernment .....			600	600
East Europe training projects .....	1,500	3,500	1,500	3,500
Citizen exchange pro- grams .....	8,063	8,063	8,063	8,000
Pepper scholarships .....		1,000	1,000	1,000
Soviet-American Interparliamentari- an meetings .....		2,000		2,000
World University games .....		2,000	2,000	2,000
(By Transfer): U.S. Soviet Ex- change Pro- gram .....			(7,000)	7,000
Educational Ex- change En- hancement Act .....			(4,000)	2,000
Federal Endowment for High School Exchanges .....			(2,000)	1,000

[In thousands of dollars]

Program	Request	House	Senate	Conference
Total .....	\$172,500	\$178,000	\$186,163	\$194,232
(By Transfer)	(---)	(---)	(13,000)	---

Note: The Senate transfers were proposed in Amendment No. 164.

The conferees encourage the Director of the United States Information Agency to place greater emphasis upon exchange programs which include the disabled. The Director should consider expanding the participation of individuals with disabilities in international educational and cultural exchange activities, including the full array of government-sponsored and government-assisted programs. The Director should, subject to the availability of funds, consider contracting for the development and expansion of such programs with a nonprofit organization with a demonstrated capability to coordinate exchange programs for the disabled.

The conferees are aware of the proposals of certain universities including the University of Kansas, Rutgers University, and De Paul University to provide training for educators, government officials, business leaders, and scholars in the emerging democracies of Eastern Europe. The conferees note that the U.S. Information Agency provided funding for various project proposals on this matter from these and other American universities and colleges in fiscal year 1991. The conferees strongly support this program and urge the U.S. Information Agency to consider proposals for funding during fiscal year 1992.

The conferees agree with the language in the House Appropriations Committee report regarding the importance of USIA's Designated Exchange Visitor Programs for flight, agricultural, and other trainees, in particular the on-the-job components of such programs, and wish to reemphasize the expectation that USIA will submit its proposed, revised regulations regarding such programs "to the appropriate Congressional committees with a detailed explanation of the proposed changes before implementing any such revised regulations".

Amendment No. 163: Provides an earmarking of \$1,000,000 for the Claude and Mildred Pepper Scholarship Program. The House had proposed this earmarking as well as an earmarking of \$2,000,000 for the 1993 World University Games in Buffalo, New York, and \$2,000,000 for the expenses of Soviet-American Interparliamentary Meetings and visits in the United States—all of which were stricken by the Senate. Funding for each of these programs is included in the conference agreement on Amendment No. 162.

Amendment No. 164: Deletes language proposed by the Senate which would have transferred \$13,000,000 from the State Department's Acquisition and Maintenance of Buildings Abroad account and would have designated certain amounts for several new exchange programs. The House bill contained no provision on this matter. Funding for these exchange programs is provided in the conference agreement on Amendment No. 162.

**EISENHOWER EXCHANGE FELLOWSHIP PROGRAM PAYMENT TO THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND**

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Provided, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fel-*

*lowships, Incorporated, pursuant to 20 U.S.C. 5203(a): Provided further, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Nonprofit Organizations), including the restrictions on compensation for personal services.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language as proposed by the Senate that makes interest and earnings in the Eisenhower Exchange Fellowship Program Trust Fund available to the Eisenhower Exchange Fellowships, Incorporated pursuant to 20 U.S.C. 5203(a). The conference agreement also adds new language not contained in either the House or Senate bills which prohibits any of the funds appropriated for payment to the Eisenhower Exchange Fellowship Program Trust Fund to pay any salary or other compensation in excess of the rate authorized for GS-18. This provision also prohibits the use of this appropriation for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Nonprofit Organizations), including the restriction on compensation for personal services. The House bill included no provision on these matters.

The conferees have included a restriction on the use of this appropriation which was not contained in either bill, pursuant to the recommendation of the USIA Inspector General who recently completed an audit of the Eisenhower Exchange Fellowships, Incorporated. In his audit report, the Inspector General found that the EEF had granted its president a 15 year below-market interest (6 percent loan of \$250,000) to purchase a new home as part of the president's compensation package. The Inspector General also found that under a proposed compensation plan, which the president stated was never approved, the president's compensation would increase from \$89,000 per year to \$175,000 per year, including deferred payments, by 1997. The conferees have included the restriction on the use of the appropriation to the Endowment in light of the fact that the Endowment may not be covered by the restrictions normally applicable to grants, as recommended by the USIA Inspector General.

**RADIO CONSTRUCTION**

Amendment No. 166: Deletes a heading proposed by the Senate which refers to the transfer of funds. The House bill contained no similar provision.

Amendment No. 167: Deletes language proposed by the Senate which would have transferred \$10,000,000 from the Department of State's acquisition and Maintenance of Buildings Abroad account to supplement the direct appropriation for USIA's Radio Construction account. The House bill contained no similar provision.

**BROADCASTING TO CUBA**

Amendment No. 168: Appropriates \$6,888,000 instead of \$33,288,000 as proposed by the House and \$38,988,000 as proposed by the Senate. The conference agreement provides \$11,013,000 for Radio Broadcasting to Cuba, \$14,553,000 for Television Broadcasting to Cuba, \$8,022,000 for program direction and administration, and \$3,300,000 for construction of an additional transmitting facility for Radio Marti.

**EAST-WEST CENTER**

Amendment No. 169: Appropriates \$24,500,000 for the East-West Center instead of \$23,920,000 as proposed by the House and \$26,000,000 as proposed by the Senate. The conferees recommend that the East-West Center allocate \$150,000 from these funds to the Kapalua Pacific Center to conduct a follow-up, five-day survey of cultural values in the Age of Technology. The purpose of this survey is to define further program statements and issues developed by Pacific Island leaders who are attempting to build an economy in today's rapidly changing technology. The conferees expect that field visits will be made to selected Pacific sites in carrying out this study and that 40 Pacific Island leaders will participate in the survey.

**NORTH/SOUTH CENTER**

Amendment No. 170: Appropriates \$5,000,000 for the North/South Center instead of \$10,000,000 for this purpose as proposed by the House and stricken by the Senate.

**NATIONAL ENDOWMENT FOR DEMOCRACY**

Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *\$27,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$27,500,000 for the National Endowment for Democracy instead of \$30,000,000 as proposed by the Senate. The House bill contained no provision on this matter.

**TITLE VI—GENERAL PROVISIONS**

Amendment No. 172: Deletes section 607 proposed by the House and stricken by the Senate which would have prohibited any of the funds in this Act from being used to implement the provisions of Public Law 101-576.

Amendment No. 173: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum "\$9.79" in subparagraph (1) of said amendment, insert: *\$9.76* and

In lieu of the term "9 cents" in subparagraph (1) of said amendment, insert: *8 cents*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement continues all of the legislative provisions relating to the Legal Services Corporation which were in effect during fiscal year 1991 as proposed by the Senate. These provisions include prohibitions on abortion litigation and representation of illegal aliens; restrictions on lobbying, class action suits and training programs; provisions governing the appointment of local program boards of directors; and provisions making it easier to deny refunding to grantees. The conference agreement also includes Senate language which continues provisions which were in effect in fiscal year 1991 concerning the development of a system of competitive bidding of grants; requirements for full-year funding of grants; a requirement that any timekeeping system be developed by regulation; and restrictions on implementation of LSC regulations. No new legislative provisions have been added.

The conference agreement also includes a funding formula for the distribution of funds to field programs which provides that grants shall be maintained at not less than \$9.76 per poor person instead of \$9.79 as proposed by

the Senate or 8 cents per poor person more than the annual per-poor-person level at which funding was appropriated in Public Law 101-515 instead of 9 cents for this purpose as proposed by the Senate. These changes in the formula reflect the changes in the distribution of funds among the various components of the LSC appropriation in the conference agreement.

The House bill contained no similar provisions.

The conferees are optimistic that reauthorization legislation for the Legal Services Corporation will be enacted during this Congress to address, and supersede, many of the legislative provisions which have been carried year after year in appropriations bills.

Amendment No. 174: Deletes language proposed by the Senate which would have prohibited any person who has served as the United States Trade Representative from representing foreign governments within five years after leaving office.

The House bill contained no provision on this matter.

Amendment No. 175: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the section number named in said amendment, insert: 608 and after the word "prohibition" in new Sec. 608(a), insert the following: *in the national interest or*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement adds section 608 to the bill. Subsection (a) prohibits the use of funds in the Act to approve any export license application for the launch of U.S.-built satellites on Chinese-built launch vehicles unless the President waives such prohibition in the national interest or under subsection (b) of this section. Under the conference agreement subsection (b) provides that the restriction on the approval of export licenses for U.S.-built satellites to the People's Republic of China for launch on Chinese-built launch vehicles contained in subsection (a) may be waived by the President on a case-by-case basis upon certification by the United States Trade Representative that the People's Republic of China is in full compliance with the memorandum of agreement between the Government of the United States and the Government of the People's Republic of China regarding international trade in commercial launch services.

The Senate had proposed the provisions in the conference agreement except for the authority of the President to waive this provision in the national interest. The House bill contained no provision on this matter.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 609. (a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660)."

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments

Act of 1990 (Public Law 101-574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1991."

(d) The Small Business Act is amended by adding the following new section:

**"SEC. 28. PILOT TECHNOLOGY ACCESS PROGRAM.**

"(a) ESTABLISHMENT.—The Administration, in consultation with the National Institute of Standards and Technology and the National Technical Information Service, shall establish a Pilot Technology Access Program, for making awards under this section to Small Business Development Centers (hereinafter in this section referred to as "Centers").

"(b) CRITERIA FOR SELECTION OF CENTERS.—The Administrator of the Small Business Administration shall establish competitive, merit-based criteria for the selection of Centers to receive awards on the basis of—

"(1) the ability of the applicant to carry out the purposes described in subsection (d) in a manner relevant to the needs of industries in the area served by the Center;

"(2) the ability of the applicant to integrate the implementation of this program with existing Federal and State technical and business assistance resources; and

"(3) the ability of the applicant to continue providing technology access after the termination of this pilot program.

"(c) MATCHING REQUIREMENT.—To be eligible to receive an award under this section, an applicant shall provide a matching contribution at least equal to that received under such award, not more than fifty percent of which may be waived overhead or in-kind contributions.

"(d) PURPOSE OF AWARDS.—Awards made under this section shall be for the purpose of increasing access by small businesses to on-line data base services that provide technical and business information, and access to technical experts, in a wide range of technologies, through such activities as—

"(1) defraying the cost of access by small businesses to the data base services;

"(2) training small businesses in the use of the data base services; and

"(3) establishing a public point of access to the data base services.

"Activities described in paragraphs (1) through (3) may be carried out through contract with a private entity.

"(e) RENEWAL OF AWARDS.—Awards previously made under section 21(A) of this Act may be renewed under this section.

"(f) INTERIM REPORT.—Two years after the date on which the first award was issued under section 21(A) of this Act, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science, and Transportation of the Senate, an interim report on the implementation of the program under such section and this section, including the judgments of the participating Centers as to its effect on small business productivity and innovation.

"(g) FINAL REPORT.—Three years after such date, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science, and Transportation of the Senate, a final report evaluating the effectiveness of the Program under section 21(A) and this section in improving small business productivity and innovation.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Small Business Administration \$5 million for each of fiscal years 1992 through 1995 to carry

out this section, and such amounts may remain available until expended.

"(i) Centers are encouraged to seek funding from Federal and non-Federal sources other than those provided for in this section to assist small businesses in the identification of appropriate technologies to fill their needs, the transfer of technologies from Federal laboratories, public and private universities, and other public institutions, the analysis of commercial opportunities represented by such technologies, and such other functions as the development, business planning, market research, and financial packaging required for commercialization. Insofar as such Centers pursue these activities, Federal agencies are encouraged to employ these Centers to interface with small businesses for such purposes as facilitating small business participation in Federal procurement and fostering commercialization of Federally-funded research and development."

"(e) Notwithstanding any other law, no funds shall be appropriated to carry out section 21(A) of the Small Business Act after September 30, 1991, and such section is repealed October 1, 1992.

"(f) Section 232 of the Small Business Administration Reauthorization and Amendments Act of 1990 is repealed.

"(g) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking "March 31, 1991" in the first sentence and inserting in lieu thereof "October 1, 1992".

(h) Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following new subsection:

"( ) Microloan Demonstration Program.—

"(1)(A) PURPOSE.—The purposes of the Microloan Demonstration Program are—

"(A) to assist women, low-income, and minority entrepreneurs, business owners, and other individuals possessing the capability to operate successful business concerns;

"(B) to assist small business concerns in those areas suffering from a lack of credit due to economic downturns; and

"(C) to establish a microloan demonstration program to be administered by the Small Business Administration—

"(i) to make loans to eligible intermediaries to enable such intermediaries to provide small-scale loans to startup, newly established, or growing small business concerns for working capital or the acquisition of materials, supplies, or equipment.

"(ii) to make grants to eligible intermediaries that, together with non-Federal matching funds, will enable such intermediaries to provide intensive marketing, management, and technical assistance to microloan borrowers;

"(iii) to make grants to eligible nonprofit entities that, together with non-Federal matching funds, will enable such entities to provide intensive marketing, management, and technical assistance to assist low-income entrepreneurs and other low-income individuals obtain private sector financing for their businesses, with or without loan guarantees; and

"(iv) to report to the Committees on Small Business of the Senate and the House of Representatives on the effectiveness of the microloan program and the advisability and feasibility of implementing such a program nationwide.

"(B) ESTABLISHMENT.—There is established a microloan demonstration program, under which the Administration may—

"(i) make direct loans to eligible intermediaries, as provided under paragraph (3), for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing small business concerns under paragraph (6);

"(ii) in conjunction with such loans and subject to the requirements of paragraph (4), make grants to such intermediaries for the purpose of providing intensive marketing, management, and technical assistance to small business concerns that are borrowers under this subsection; and

"(iii) subject to the requirements of paragraph (5), make grants to nonprofit entities for the purpose of providing marketing, management, and technical assistance to low-income individuals seeking to start or enlarge their own businesses, if such assistance includes working with the grant recipient to secure loans in amounts not to exceed \$15,000 from private sector lending institutions, without a loan guarantee from the nonprofit entity.

"(2) **ELIGIBILITY FOR PARTICIPATION.**—An intermediary shall be eligible to receive loans and grants under subparagraphs (B)(i) and (B)(ii) of paragraph (1)(B) if it—

"(A) meets the definition in paragraph (10); and

"(B) has at least 1 year of experience making microloans to startup, newly established, or growing small business concerns and providing, as an integral part of this microloan program, intensive marketing, management, and technical assistance to its borrowers.

"(3) **LOANS TO INTERMEDIARIES.**—

"(A) **INTERMEDIARY APPLICATIONS.**—As part of its application for a loan, each intermediary shall submit a description to the Administration of—

"(i) the type of businesses to be assisted;

"(ii) the size and range of loans to be made;

"(iii) the geographic area to be served and its economic and unemployment characteristics;

"(iv) the status of small business concerns in the area to be served and an analysis of their credit and technical assistance needs;

"(v) any marketing, management, and technical assistance to be provided in connection with a loan made under this subsection;

"(vi) the local economic credit markets, including the costs associated with obtaining credit locally;

"(vii) the qualifications of the applicant to carry out the purpose of this subsection; and

"(viii) any plan to involve private sector lenders in assisting selected small business concerns.

"(B) **INTERMEDIARY CONTRIBUTION.**—As a condition of any loan made to an intermediary under subparagraph (B)(i) of paragraph (1), the Administration shall require the intermediary to contribute not less than 15 percent of the loan amount in cash from non-Federal sources.

"(C) **LOAN LIMITS.**—Notwithstanding subsection (a)(3), no loan shall be made under this subsection if the total amount outstanding and committed to one intermediary (excluding outstanding grants) from the business loan and investment fund established by this Act would, as a result of such loan, exceed \$750,000 in the first year of such intermediary's participation in the program, and \$1,250,000 in the remaining years of the intermediary's participation in the demonstration program.

"(D) **LOAN LOSS RESERVE FUND.**—The Administration shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid. The Administration shall require the loan loss reserve fund to be maintained—

"(i) in the first year of the intermediary's participation in the demonstration program, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owned to the intermediary; and

"(ii) in each year of participation thereafter, at a level reflecting the intermediary's total losses as a result of participation in the dem-

onstration program, as determined by the Administration on a case-by-case basis, but in no case shall the required level exceed 15 percent of the outstanding balance of the notes receivable owned to the intermediary under the program.

"(E) **UNAVAILABILITY OF COMPARABLE CREDIT.**—An intermediary may make a loan under this subsection of more than \$15,000 to a small business concern only if such small business concern demonstrates that it is unable to obtain credit elsewhere at comparable interest rates and that it has good prospects for success. In no case shall an intermediary make a loan under this subsection of more than \$25,000, or have outstanding or committed to any 1 borrower more than \$25,000.

"(F) **LOAN DURATION.**—Loans made by the Administration under this subsection shall be for a term of 10 years and at an interest rate equal to the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

"(G) **DELAYED PAYMENTS.**—The Administration shall not require repayment of interest or principal of a loan made to an intermediary under this subsection during the first year of the loan.

"(H) **FEES; COLLATERAL.**—Except as provided in subparagraphs (B) and (D), the Administration shall not charge any fees or require collateral other than an assignment of the notes receivable of the microloans with respect to any loan made to an intermediary under this subsection.

"(4) **MARKETING, MANAGEMENT, AND TECHNICAL ASSISTANCE GRANTS TO INTERMEDIARIES.**—Grants made in accordance with subparagraph (b)(ii) of paragraph (1) shall be subject to the following requirements:

"(A) **GRANT AMOUNTS.**—Subject to the requirements of subparagraph (B), each intermediary that receives a loan under subparagraph (B)(i) of paragraph (1) shall be eligible to receive a grant to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection. In the first and second years of an intermediary's program participation, each intermediary meeting the requirement of subparagraph (B) may receive a grant of not more than 20 percent of the total outstanding balance of loans made to it under this subsection. In the third and subsequent years of an intermediary's program participation, each intermediary meeting the requirements of subparagraph (B) may receive a grant of not more than 10 percent of the total outstanding balance of loans made to it under this subsection.

"(B) **CONTRIBUTION.**—As a condition of any grant made under subparagraph (A), the Administration shall require the intermediary to contribute an amount equal to one-half of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(5) **PRIVATE SECTOR BORROWING TECHNICAL ASSISTANCE GRANTS.**—Grants made in accordance with subparagraph (B)(iii) of paragraph (1) shall be subject to the following requirements:

"(A) **GRANT AMOUNTS.**—Subject to the requirements of subparagraph (B), in each of the 5 years of the demonstration program established under this subsection, the Administration may make not more than 2 grants, each in amounts not to exceed \$125,000 for the purposes specified in subparagraph (B)(iii) of paragraph (1).

"(B) **CONTRIBUTION.**—As a condition of any grant made under subparagraph (A), the Administration shall require the grant recipient to contribute an amount equal to 20 percent of the

amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(6) **LOANS TO SMALL BUSINESS CONCERNS FROM ELIGIBLE INTERMEDIARIES.**—

"(A) **IN GENERAL.**—An eligible intermediary shall make short-term, fixed rate loans to startup, newly established, and growing small business concerns from the funds made available to it under subparagraphs (B)(i) of paragraph (1) for working capital and the acquisition of materials, supplies, furniture, fixtures, and equipment.

"(B) **PORTFOLIO REQUIREMENT.**—To the extent practicable, each intermediary that operates a microloan program under this subsection shall maintain a microloan portfolio with an average loan size of not more than \$10,000.

"(C) **INTEREST LIMIT.**—Notwithstanding any provision of the laws of any State or the constitution of any State pertaining to the rate or amount of interest that may be charged, taken, received or reserved on a loan, the maximum rate of interest to be charged on a microloan funded under this subsection shall be not more than 4 percentage points above the prime lending rate, as identified by the Administration and published in the Federal Register on a quarterly basis.

"(D) **REVIEW RESTRICTION.**—The Administration shall not review individual microloans made by intermediaries prior to approval.

"(7) **PROGRAM FUNDING.**—

"(A) **FIRST YEAR PROGRAMS.**—In the first year of the demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 35 microloan programs, including not less than 1 program to be located in each of the following States: Arkansas, Illinois, Iowa, Kentucky, Maine, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, and Wisconsin.

"(B) **EXPANDED PROGRAMS.**—In the second year of the demonstration program, the Administration is authorized to fund up to 25 additional microloan programs.

"(C) **STATE LIMITATIONS.**—In no case shall a State—

"(i) be awarded more than 2 microloan programs in any year of the demonstration program;

"(ii) receive more than \$1,000,000 to fund such programs in such State's first year of participation; or

"(iii) receive more than \$1,500,000 to fund such programs in any succeeding year of such State's participation.

"(8) **RURAL ASSISTANCE.**—In funding microloan programs, the Administration shall ensure that at least one-half of the programs funded under this subsection will provide microloans to small business concerns located in rural areas.

"(9) **REPORT TO CONGRESS.**—On November 1, 1995, the Administration shall submit to the Committees on Small Business of the Senate and the House of Representatives a report, including the Administration's evaluation of the effectiveness of the first 3½ years of the microloan demonstration program and the following:

"(A) the numbers and locations of the intermediaries funded to conduct microloan programs;

"(B) the amounts of each loan and each grant to intermediaries;

"(C) a description of the matching contributions of each intermediary;

"(D) the numbers and amounts of microloans made by the intermediaries to small business concern borrowers;

"(E) the repayment history of each intermediary;

"(F) a description of the loan portfolio of each intermediary including the extent to which it provides microloans to small business concerns in rural areas; and

"(G) any recommendations for legislative changes that would improve program operations.

"(10) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'intermediary' means a private, nonprofit entity or a nonprofit community development corporation that seeks to borrow or has borrowed funds from the Small Business Administration to make microloans to small business concerns under this subsection;

"(B) the term 'microloan' means a short-term, fixed rate loan of not more than \$25,000, made by an intermediary to a startup, newly established, or growing small business concern;

"(C) the term 'rural area' means any political subdivision or unincorporated area—

"(i) in a nonmetropolitan county (as defined by the Secretary of Agriculture) or its equivalent thereof; or

"(ii) in a metropolitan county or its equivalent that has a resident population of less than 20,000 if the Small Business Administration has determined such political subdivision or area to be rural."

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the microloan demonstration program.

(c) PROGRAM TERMINATION.—The demonstration program established by subsection (a) shall terminate 5 years after the date of enactment of this Act.

(d) PROGRAM FUNDING AND REPAYMENT OF LOANS.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) in paragraph (1), by striking "and 7(c)(2)" and inserting "7(c)(2), and 7(m)";

(2) in paragraph (2), by striking "and 8(a)" and inserting "7(m), and 8(a)".

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out the demonstration program established under section 7(m) of the Small Business Act (as added by subsection (a)), there are authorized to be appropriated to the Small Business Administration—

(1) for fiscal year 1992—

(A) \$15,000,000 to be used for the provision of loans; and

(B) \$3,000,000 to be used for the provision of grants; and

(2) for fiscal year 1993—

(A) \$25,000,000 to be used for the provision of loans; and

(B) \$5,000,000 to be used for the provision of grants.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes several language changes to the Small Business Act as follows:

Subsection (a) includes language provided in the Senate bill which amends the Small Business Act to provide authority for loans made under the Administration's 502 Development Company Program to be pooled with SBA's 7(a) guaranteed loans for sale in the secondary market. The House bill contained no similar provision.

Subsection (b) includes language provided in the Senate bill which amends the Small Business Act to permit the SBA to charge the same guarantee fee (2 percent) for 502 development company loans as it does for 7(a) guaranteed loans. The House bill contained no similar provision.

Subsection (c) includes language provided in the Senate bill which extends for 1 year

the effective date of a \$35,000,000 cap on leverage of commonly controlled small business investment companies (SBIC's) imposed by the Small Business Administration Reauthorization and Amendments Act of 1990. This extension will allow the Congress to complete a major review and overhaul of the SBIC program before the new limitation becomes effective. The House bill contained no similar provision.

Subsection (d) provides new language establishing the Pilot Technology Access Program for the purpose of increasing access by small businesses to on-line data base services that provide technical and business information. The Senate bill included language intended to clarify the existing Small Business Development Center Technical Assistance Program. The House bill contained no similar provision.

Subsection (e) includes new language providing that no funds shall be used to carry out the existing SBDC Technical Assistance program after the end of FY 1991, and that such program is repealed at the end of FY 1992. The House and Senate bills contained no similar provision.

Subsection (f) repeals section 232 of the Small Business Reauthorization and Amendment Act of 1990. The Senate bill provided language (under subsection (e)) which would have stricken section 232 from P.L. 101-574. The House bill contained no similar provision.

Subsection (g) amends Section 7(b) of the Small Business Computer Security and Education Act to extend the SBA's ability to cosponsor training events for small business until the end of FY 1992. The Senate bill included language extending the cosponsorship provision indefinitely; the House bill contained no similar provision.

Subsection (h) of the bill provides the authorization a Microloan Demonstration Program to be administered by the Small Business Administration (SBA).

Under the demonstration program, SBA will make direct loans at the Treasury's cost of money to non-profit intermediaries for 35 microloan demonstration projects in FY 1992 and 25 additional microloan demonstration projects in FY 1993, which will provide small loans to entrepreneurs to establish or to strengthen their small businesses. As an integral part of each demonstration project, each intermediary, which meets non-Federal matching requirements, will receive a grant to provide marketing, management and technical assistance to the small business borrowers. The grants will be available in amounts not to exceed 20 percent of the amount of the intermediary's outstanding SBA loan balance in FY 1992 and FY 1993, and 10 percent of that amount in each of its remaining years of program participation. In order to receive such a grant, the intermediary must contribute 50 percent of the amount of the grant to the microloan project from non-Federal sources. The contribution may include, among other things, cash, direct costs, indirect costs and in-kind contributions.

Additionally, at least one and not more than two technical assistance grants in FY 1992 may be made to non-profit community organizations which provide only technical assistance or technical assistance with loan guarantees to microloan borrowers.

In fiscal year 1992, eligible intermediaries will receive no more than \$750,000 in loans (excluding grants) from SBA and no one state shall receive more than \$1 million in loans (excluding grants). Intermediaries will provide loans of not more than \$25,000 to

start-up and newly established small businesses, and each intermediary shall strive to maintain an average loan size of \$10,000 in its microloan portfolio. Borrowers wishing to borrow more than \$15,000 must demonstrate that they are unable to secure credit elsewhere on comparable terms.

The conferees recognize that the following states have strong microloan programs at this time: Arkansas, Illinois, Iowa, Kentucky, Maine, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina and Wisconsin. Based on the strength of these existing programs, this provision mandates that the SBA include programs from these states among the first 35 demonstration programs.

Amendment No. 177: Deletes language proposed by the Senate which would have required the Subcommittee on Government Information and Regulation of the Senate Committee on Governmental Affairs to report to the Senate on the use of the Post Enumeration Survey of the 1990 Census for purposes other than political apportionment and recommend such changes as necessary. The language would also have required that report to be made after consultation with the Secretary of Commerce by February 1, 1992. The House bill contained no provision on this matter.

The conferees have deleted this provision from the bill since this is an internal Senate matter.

Amendment No. 178: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the first section number named in said amendment, insert the following: 610

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement adds language proposed by the Senate, which requires the Attorney General to issue regulations covering declarations of immigration emergencies. The House bill contained no such provision.

Amendment No. 179: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 611. Notwithstanding any other provision of law.—

(a) For fiscal year 1992 and thereafter, the Department of Justice may procure the services of expert witnesses for use in preparing or prosecuting a civil or criminal action, without regard to competitive procurement procedures, including the Commerce Business Daily publication requirements: Provided, That no witness shall be paid more than one attendance fee for any calendar day.

(b) The Attorney General is authorized to enter into a lease with the University of South Carolina to carry out the provision required under the appropriation "Salaries and Expenses, United States Attorneys" in this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate agreement adds language, not in the House bill, which requires the Attorney General to develop a tracking system for I-94 forms to determine when aliens are admitted into the United States, and when they depart. The conference agreement deletes the Senate language and adds new language, not in either the House or Senate bill.

**I-94 TRACKING SYSTEM.**—The conferees agree that there is merit in the Senate proposal to track when aliens arrive and leave the United States. However, the development and acquisition of a tracking system will be extremely costly, and such funds are not available at this time. The conferees expect the Commissioner of INS to examine the possibility of developing a tracking system and to report to the Committees on Appropriations of the House and Senate, by February 1, 1992 on its feasibility and estimated cost.

**EXPERT WITNESSES.**—The conferees have been made aware of difficulties being experienced by the Justice Department in procuring, in a timely manner, the services of expert witnesses for use in preparing or prosecuting a civil or criminal action. The conference agreement provides authority, similar to that contained in the Superfund Act of 1986, allowing the Department to procure expert witness services without competition.

The conference agreement also contains language which clarifies the intent of the conferees in regard to leasing of a facility at the University of South Carolina.

**Amendment No. 180:** Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

*SEC. 612. Notwithstanding any other provision of law, none of the funds in this Act shall be available for General Services Administration Rent System payments, unless such payments are processed through the Treasury Department's Billed Office Address Code System.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment adds language which requires the Attorney General to provide for the timely parole of certain aliens detained at the Krome Processing Center in Florida. The House bill contained no similar provision.

The conference agreement deletes the Senate language and adds new language concerning billings by the Treasury Department.

**KROME PROCESSING CENTER.**—The conferees agree to delete the Krome language, because this issue should not be limited to one section of the country, but instead should be addressed as part of a comprehensive review of INS detention procedures throughout the United States. The conferees understand that the House Committee on the Judiciary is awaiting just such a review by the General Accounting Office.

The conferees are interested in the Pilot Parole Program begun by the Immigration Service in May 1990 and are eager to see the Service expand the availability of parole for excludable aliens currently under detention. The Attorney General shall expand this program or develop a new parole program, working especially to alleviate the problems which have been experienced at Krome Processing Center in Florida under the current Pilot Parole Program so that parole opportunities in the Miami District can be increased.

In developing criteria for parole release, the Service shall pay particular attention to the likelihood that the alien will participate in future immigration proceedings, the posting of a reasonable bond, the danger to the community posed by the alien, offers of employment or other financial support, and the presence of a family member or sponsoring agency in the community.

The Immigration Service shall report to Congress no later than September 30, 1992, on

the success of the parole project and of efforts to ameliorate past obstacles to implementing the program effectively.

**TREASURY BILLINGS.**—In order to provide the agencies and commissions in this Act the opportunity to appeal unusually high space rental billings to GSA in a more equitable fashion, the conference agreement provides language requiring the Treasury Department to process those billings through their Billed Office Address Code System, and not through automatic deductions.

**Amendment No. 181:** Deletes language proposed by the Senate, which added Sense of the Senate language concerning a Metropolitan Corrections Center in Brooklyn. The House bill contained no similar provision.

**CONFERENCE TOTAL—WITH COMPARISONS**  
The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

	<i>Billions</i>
New budget (obligational) authority, fiscal year 1991 .....	\$19,496,278
Budget estimates of new (obligational) authority, fiscal year 1992 .....	22,342,064
House bill, fiscal year 1992 .	20,974,822
Senate bill, fiscal year 1992	22,123,488
Conference agreement, fiscal year 1992 .....	21,925,436
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991 .....	+2,429,158
Budget estimates of new (obligational) authority, fiscal year 1992 .....	-416,628
House bill, fiscal year 1992 .....	+950,614
Senate bill, fiscal year 1992 .....	-198,052

NEAL SMITH,  
BILL ALEXANDER,  
JOSEPH D. EARLY,  
BOB CARR,  
ALAN B. MOLLOHAN,  
NANCY PELOSI,  
JAMIE L. WHITTEN,  
HAL ROGERS,  
RALPH REGULA,  
JIM KOLBE  
(except for amendment 140),  
JOSEPH M. MCDADE,

*Managers on the Part of the House.*

ERNEST F. HOLLINGS,  
DANIEL K. INOUE,  
DALE BUMPERS,  
FRANK R. LAUTENBERG,  
JIM SASSER,  
BROCK ADAMS,  
ROBERT C. BYRD,  
WARREN B. RUDMAN,  
TED STEVENS,  
MARK O. HATFIELD,  
ROBERT W. KASTEN, Jr.,  
PHIL GRAMM,

*Managers on the Part of the Senate.*

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

Mr. DERRICK (at the request of Mr. GEPHARDT), for today, on account of business in district;

Mr. MYERS of Indiana (at the request of Mr. MICHEL), for today, on account of illness in the family;

Mr. RANGEL (at the request of Mr. GEPHARDT), for today, on account of business in district;

Mr. PAYNE of Virginia (at the request of Mr. GEPHARDT), for today, on account of personal 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. NUSSLE) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.  
Mr. RITTER, for 60 minutes, on October 9.  
Mr. GALLEGLY, for 5 minutes, today.  
Mr. DELAY, for 60 minutes, on October 3.

(The following Members (at the request of Mr. NEAL of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. PICKLE, for 5 minutes, today.  
Mr. FALCOMA, for 5 minutes, today, for 60 minutes on October 2, and for 5 minutes each day on October 3 and 4.

Ms. HORN, for 5 minutes, today.  
Mr. ANNUNZIO, for 5 minutes, today.  
Mr. MONTGOMERY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.  
Mrs. LOWEY of New York, for 5 minutes, today.

Mr. STAGGERS, for 5 minutes, on October 2.

(The following Members (at the request of Mr. NEAL of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 60 minutes each day, on October 8 and 9.  
Mr. HAYES of Illinois, for 60 minutes, on October 2.

**EXTENSION OF REMARKS**

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NUSSLE) and to include extraneous matter:)

Mr. HUNTER.  
Mr. LOWERY of California.  
Mr. SUNDQUIST.  
Mr. GEKAS.  
Mr. GINGRICH.  
Ms. SNOWE.  
Mr. SOLOMON in four instances.  
Mr. MACTHLEY in two instances.  
Mr. CRANE.  
Mr. FAWELL.  
Mr. VANDER JAGT.  
Mr. CLINGER.  
Mr. SHAW.  
Mr. ROHRBACHER.

Mr. McEwen.  
Mrs. Roukema.

(The following Members (at the request of Mr. Neal of Massachusetts) and to include extraneous matter:)

Mr. Towns.  
Mr. Roe in two instances.  
Mr. Montgomery.  
Mr. Fazio in two instances.  
Mr. Rose.  
Mr. Bustamante.  
Mr. Reed.  
Mr. Downey in two instances.  
Mrs. Collins of Illinois.  
Mr. Lukens.  
Mr. Stark.  
Mr. Richardson.  
Mr. Ray.  
Mr. Smith of Florida.  
Mr. Sanders.  
Mr. De Lugo.  
Ms. Horn.  
Mr. Miller of California.  
Mr. Herteel.  
Mr. Weiss.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1035. An act to amend section 107 of title 17, United States Code, relating to fair use with regard to unpublished copyrighted works; to the Committee on the Judiciary.

S. 1742. An act to authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods, from farmers' markets, to expand the awareness and use of farmers' markets, and to increase sales at the markets, and for other purposes; to the Committees on Agriculture and Education and Labor.

S. 1766. An act relating to the jurisdiction of the United States Capitol Police; to the Committee on House Administration.

#### SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 296. An act to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years;

S.J. Res. 156. Joint resolution to designate the week of October 6, 1991 through October 12, 1991, as "Mental Illness Awareness Week"; and

S.J. Res. 172. Joint resolution to authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month."

#### ADJOURNMENT

Mr. Neal of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p.m.), the House adjourned until tomorrow, Wednesday, October 2, 1991, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2157. A letter from the Deputy Secretary of Defense, transmitting certification that the current 5-year defense program fully funds the support costs associated with the family of medium tactical vehicles, pursuant to 10 U.S.C. 2306(h)(3); to the Committee on Armed Services.

2158. A letter from the Executive Director, Resolution Trust Corporation, transmitting the status report to the Congress for the month of August 1991, review of 1988-89 FSLIC assistance agreements; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

2159. A letter from the Secretary of Commerce, transmitting the Department's 1990 annual report, pursuant to 15 U.S.C. 1519; jointly, to the Committees on Energy and Commerce, Ways and Means, Government Operations, the Judiciary, Science, Space, and Technology, Post Office and Civil Service, Banking, Finance and Urban Affairs, Foreign Affairs, and Merchant Marine and Fisheries.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. Rostenkowski: Committee of Conference. Conference report on S. 1722 (Rept. 102-228). Ordered to be printed.

Mr. Miller of California: Committee on Interior and Insular Affairs. H.R. 932. A bill to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes (Rept. 102-229). Referred to the Committee of the Whole House on the State of the Union.

Mr. Beilenson: Committee on Rules. House Resolution 231, a resolution providing for the consideration of the bill H.R. 3039 to reauthorize the Defense Production Act of 1950, and for other purposes (Rept. 102-230). Referred to the House Calendar.

Mr. Hall of Ohio: Committee on Rules. House Resolution 232, a resolution waiving all points of order against the conference report on 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, and against the consideration of such conference report (Rept. 102-231). Referred to the House Calendar.

Mr. Smith of Iowa: Committee of Conference. Conference Report on H.R. 2608 (Rept. 102-233). Ordered to be printed.

#### REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. Miller of California: Committee on Interior and Insular Affairs. H.R. 1688. A bill entitled the "Omnibus Insular Areas Act of 1991"; with an amendment; referred to the Committee on Public Works and Transportation for a period ending not later than October 2, 1991, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(p) of rule X (Rept. 102-232, Pt. 1). Ordered to be printed.

#### 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. Gallegly (for himself, Mr. Lagomarsino, Mr. Kyl, Mr. Lowery of California, Mr. Moorhead, Mr. Archer, Mr. Hunter, Mr. Miller of Ohio, Mr. Sensenbrenner, Mr. Rhodes, Mr. Dreier of California, Mr. Hefley, Mr. Smith of Texas, Mr. Cunningham, Mr. Fields, Mr. Johnson of Texas, Mr. Stump, Mr. Packard, and Mr. Hancock):

H.R. 3438. A bill to prevent immigration document fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. Gallegly (for himself, Mr. Lagomarsino, Mr. Kyl, Mr. Lowery of California, Mr. Moorhead, Mr. Archer, Mr. Hunter, Mr. Miller of Ohio, Mr. Herger, Mr. Sensenbrenner, Mr. Rhodes, Mr. Dreier of California, Mr. Hefley, Mr. Smith of Texas, Mr. Cunningham, Mr. Fields, Mr. Stump, Mr. Packard, and Mr. Hancock):

H.R. 3439. A bill to improve immigration law enforcement; jointly, to the Committees on the Judiciary, Education and Labor, and Foreign Affairs.

By Mr. Gallegly (for himself, Mr. Lagomarsino, Mr. Kyl, Mr. Lowery of California, Mr. Moorhead, Mr. Hunter, Mr. Miller of Ohio, Mr. Sensenbrenner, Mr. Rhodes, Mr. Lewis of California, Mr. Smith of Texas, Mr. Cunningham, Mr. Fields, Mr. Johnson of Texas, Mr. Stump, Mr. Packard, and Mr. Hancock):

H.R. 3440. A bill to amend the Immigration and Nationality Act to improve enforcement of the employer sanctions provisions; to the Committee on the Judiciary.

By Mr. Gallegly (for himself, Mr. Lagomarsino, Mr. Kyl, Mr. Rohrabacher, Mr. Moorhead, Mr. Archer, Mr. Arme, Mr. Hunter, Mr. Miller of Ohio, Mr. Herger, Mr. Sensenbrenner, Mr. Rhodes, Mr. Hefley, Mr. Cunningham, Mr. Fields, Mr. DeLay, Mr. Johnson of Texas, Mr. Stump, Mr. Packard, and Mr. Hancock):

H.R. 3441. A bill to prohibit direct Federal financial benefits and unemployment benefits for illegal aliens; to the Committee on the Judiciary.

By Mr. Gallegly (for himself, Mr. Lagomarsino, Mr. Moorhead, Mr. Archer, Mr. Hunter, Mr. Miller of Ohio, Mr. Sensenbrenner, Mr. Rhodes, Mr. Cunningham, Mr.

FIELDS, Mr. STUMP, Mr. PACKARD, and Mr. HANCOCK):

H.R. 3442. A bill to amend the Immigration and Nationality Act to prohibit transportation of illegal aliens for purposes of employment; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 3443. A bill to encourage employers to extend greater job-related benefits to employees, and to provide job security for certain employees who take leave for a legitimate personal purpose; jointly, to the Committee on Education and Labor and Ways and Means.

By Mr. WISE:

H.R. 3444. A bill to require the Federal Communications Commission to implement and enforce network reliability and quality standards on telephone common carriers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COBLE:

H.R. 3445. A bill to suspend until January 1, 1995, the duty on blank raw material baseballs; to the Committee on Ways and Means.

By Mr. DARDEN:

H.R. 3446. A bill to amend the National Security Act of 1947 to create a program of national security scholarships, fellowships, and grants; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. DUNCAN:

H.R. 3447. A bill to authorize the provision of financial assistance to Knoxville College for the construction of the Southeast Region African-American Educator Institute; to the Committee on Education and Labor.

By Mr. FLAKE:

H.R. 3448. A bill to alleviate homelessness, reduce housing cost burdens, and increase housing opportunities for low-income families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GINGRICH:

H.R. 3449. A bill to establish a date certain for the termination of the Resolution Trust Corporation before the current statutory deadline for such termination and to extend the period during which such Corporation shall be appointed conservator or receiver for savings associations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HALL of Ohio (for himself, Mr. GRANDY, Mr. ESPY, and Mr. EMERSON):

H.R. 3450. A bill to amend part A of title IV of the Social Security Act to remove barriers and disincentives in the program of aid to families with dependent children so as to enable recipients of such aid to move toward self-sufficiency through microenterprises; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. HEFLEY:

H.R. 3451. A bill to amend the Education Amendments of 1972 to ensure that students attending institutions of higher education that receive Federal funds are able to exercise the right to freedom of speech, and for other purposes; to the Committee on Education and Labor.

H.R. 3452. A bill to amend the Internal Revenue Code of 1986 to allow employers the targeted jobs credit for hiring individuals who have received, or were eligible to receive, unemployment compensation covering at least 90 days; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 3453. A bill to convey certain surplus real property located in the Black Hills National Forest to the Black Hills Workshop and Training Center, and for other purposes;

to the Committee on Government Operations.

By Mr. JOHNSON of South Dakota (for himself, Mr. JONTZ, Mr. GRANDY, Mr. DORGAN of North Dakota, Mr. WEBER, Mr. NAGLE, Mr. GUNDERSON, and Mr. NUSSLE):

H.R. 3454. A bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 3455. A bill to amend the Higher Education Act to create a Student Assistance Revolving Loan Program for American Indians and Alaska Natives; to the Committee on Education and Labor.

By Mr. KILDEE (for himself and Mr. YOUNG of Alaska):

H.R. 3456. A bill to amend title XV of the Higher Education Act; to the Committee on Education and Labor.

By Mr. KOSTMAYER:

H.R. 3457. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in Pennsylvania and New Jersey as components of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of New York:

H.R. 3458. A bill to improve education in the United States by promoting excellence in research, development, and the dissemination of information; to the Committee on Education and Labor.

H.R. 3459. A bill to amend title 5, United States Code, to promote improved public access to Government information; to the Committee on Government Operations.

By Mr. RICHARDSON:

H.R. 3460. A bill to amend the Public Health Service Act to revise and extend certain programs relating to the education of nurses, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Ms. PELOSI, Mr. YATES, Mr. MCDERMOTT, and Mr. HORTON):

H.R. 3461. A bill to amend the Public Health Service Act to establish a program of grants regarding preventable cases of infertility arising as a result of sexually transmitted diseases; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Mrs. LLOYD, Ms. OAKAR, Mr. OWENS of Utah, Ms. NORTON, Mr. MRAZEK, Mr. TOWNS, Mr. DOWNEY, Mr. DIXON, Mr. WOLF, Mr. YATES, Mr. SANDERS, Mr. HORTON, Mr. MCDERMOTT, Mr. ROE, Ms. WATERS, Mrs. UNSOELD, Mr. OBERSTAR, Mrs. MORELLA, Mr. BROWN, Mr. WEISS, Mr. FRANK of Massachusetts, Mrs. LOWEY of New York, Mrs. COLLINS of Illinois, Mr. REED, Mr. MFUME, Mr. LEHMAN of Florida, Mr. FAZIO, Mr. BERMAN, Ms. DELAURO, and Mr. FORD of Michigan):

H.R. 3462. A bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SENSENBRENNER:

H.R. 3463. A bill to amend the Federal Rules of Evidence with respect to evidence in sexual assault and child molestation cases; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Ms. OAKAR, Mr. STEARNS, Mr. HUTTO, Mr. GOSS,

Mr. ROGERS, Mr. EVANS, Mr. MRAZEK, Mr. MCNULTY, Ms. ROS-LEHTINEN, Mr. LAFALCE, Mr. HORTON, Mr. FRANK of Massachusetts, Mr. DANNEMEYER, Mrs. MINK, Mr. JOHNSTON of Florida, Mr. LEWIS of Florida, Mr. TOWNS, Mr. FROST, Mr. FAZIO, Mrs. LOWEY of New York, Mr. ROE, Mrs. VUCANOVICH, Mr. WOLF, Mr. CONYERS, Mr. BILIRAKIS, and Mr. WALSH):

H.R. 3464. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 3465. A bill to amend the Internal Revenue Code of 1986 to expand the one-time exclusion of gain from sale of a principal residence based on the amount of increase in equity in the new residence; to the Committee on Ways and Means.

By Mr. PANETTA:

H.J. Res. 338. Joint resolution to designate 1991 as the "Year of the Bay"; to the Committee on Post Office and Civil Service.

H.J. Res. 339. Joint resolution to designate the month of October 1991, as "National Seafood Month"; to the Committee on Post Office and Civil Service.

By Mr. RITTER (for himself and Mr. HERTEL):

H. Con. Res. 212. Concurrent resolution to express the sense of the Congress that the President should recognize Ukraine's independence; to the Committee on Foreign Affairs.

By Mr. LUKEN:

H. Res. 233. Resolution expressing the sense of the House of Representatives that the defense budget should be reexamined and reduced based on the changing national security needs of the United States in the post-cold war era, thereby reducing the Federal budget deficit; to the Committee on Armed Services.

By Mr. PACKARD (for himself, Mr. ROHRBACHER, Mr. COX of California, Mr. DORNAN of California, Mr. DANNEMEYER, Mr. HUNTER, Mr. CUNNINGHAM, Mr. RITTER, Mr. DOOLITTLE, Mr. LAGOMARSINO, Mr. LOWERY of California, Mr. MCEWEN, Mr. TOWNS, Mr. HORTON, and Mr. BOUCHER):

H. Res. 234. Resolution urging the President to call upon the President of the Soviet Union to begin immediate negotiations with leaders of Lithuania, Latvia, and Estonia for the prompt withdrawal of Soviet troops from the Baltic States; to the Committee on Foreign Affairs.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of September 30, 1991]

H. Con. Res. 209: Mr. LAGOMARSINO, Mr. LEACH, Ms. SNOWE, Mr. HYDE, Mr. BEREUTER, Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. HOUGHTON, Mr. GOSS, Mr. HAMILTON, Mr. SOLARZ, Mr. WOLPE, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. ACKERMAN, Mr. OWENS of Utah, Mr. STUDDS, Mr. ORTON, and Mr. LANTOS.

[Submitted October 1, 1991]

H.R. 44: Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. EVANS, Mr. STUDDS, Mr. LAGOMARSINO, Mr. WILSON, Mr. TOWNS, Mr. DOWNEY, Mr. FAZIO, Mrs. ROUKEMA, Mrs. JOHNSON

of Connecticut, Mr. ERDREICH, Mr. SCHIFF, Mr. PETERSON of Florida, Mr. MANTON, Mr. CALLAHAN, Mr. DAVIS, Mr. HARRIS, Mr. ANDERSON, and Mr. ABERCROMBIE.

H.R. 53: Mr. PETERSON of Minnesota, Mr. JONES of Georgia, Mr. STALLINGS, Mr. REED, Mr. VENTO, Mr. RAVENEL, Mr. DAVIS, Mr. SANDERS, Mr. FRANKS of Connecticut, and Mrs. UNSOELD.

H.R. 77: Mr. WALSH.  
H.R. 112: Mr. JAMES.  
H.R. 193: Mr. BATEMAN.  
H.R. 303: Mr. LANTOS.  
H.R. 327: Mr. STENHOLM.  
H.R. 381: Mr. HOCHBRUECKNER and Mr. LENT.

H.R. 382: Mr. OWENS of Utah.  
H.R. 384: Mr. HARRIS, Mr. ROHRBACHER, and Mrs. TAUZIN.

H.R. 431: Mr. ANDREWS of New Jersey, Mr. HUGHES, Mr. MORAN, Mr. COMBEST, and Mr. SMITH of New Jersey.

H.R. 612: Mr. SWETT.  
H.R. 747: Mr. YOUNG of Florida, Mr. CARR, and Mr. HAYES of Louisiana.

H.R. 830: Mr. NEAL of North Carolina.  
H.R. 842: Mr. OLVER.  
H.R. 856: Mr. KOSTMAYER.

H.R. 961: Mr. OWENS of Utah.  
H.R. 1007: Mr. SIKORSKI.  
H.R. 1021: Mr. ENGEL, Mr. RICHARDSON, Mr. SANDERS, and Mr. WEISS.

H.R. 1067: Mr. DANNEMEYER, Ms. WATERS, Mr. MCCOLLUM, Mr. BRYANT, Mr. LEVIN of Michigan, Mr. PAYNE of Virginia, Mr. SANGMEISTER, Mr. COMBEST, Mr. OBEY, Mr. EDWARDS of Oklahoma, Mr. LIVINGSTON, Mr. ROEMER, Mr. EWING, Mr. JAMES, Mr. FUSTER, and Mr. SMITH of Oregon.

H.R. 1147: Mr. EDWARDS of Texas and Mr. PAYNE of Virginia.

H.R. 1218: Mr. LANTOS, Mr. OLIN, Mr. SCHEUER, Mr. SWETT, Mr. PETERSON of Florida, and Mr. VENTO.

H.R. 1245: Mr. MCDADE, Mrs. PATTERSON, Mr. DICKINSON, Ms. HORN, Mr. HOYER, Mr. PERKINS, Mr. HAMMERSCHMIDT, Mr. STUDDS, Mr. PRICE, Mr. COX of Illinois, Mr. FLAKE, and Mr. WALSH.

H.R. 1386: Mr. CONDIT, Mr. GEREN of Texas, Mr. MARKEY, Mr. MRAZEK, and Mr. RICHARDSON.

H.R. 1411: Mr. COLEMAN of Texas, Mr. DWYER of New Jersey, and Mr. RHODES.

H.R. 1414: Mr. MORAN, Mr. WALSH, Mr. FAZIO, and Mr. ZIMMER.

H.R. 1472: Mr. SKELTON, Mr. ATKINS, Mr. VANDER JAGT, Ms. SNOWE, Mr. JOHNSON of Texas, Mr. KOLBE, Mr. ROSE, Mr. MCMILLEN of Maryland, Mr. STUDDS, Mr. HAYES of Illinois, Mr. PETERSON of Minnesota, Mr. BORSKI, Mr. RICHARDSON, Mr. HUTTO, Mr. NICHOLS, Mr. MORRISON, Mrs. MORELLA, Mr. TAYLOR of North Carolina, Mr. SPRATT, Mr. FAWELL, and Mr. BEVILL.

H.R. 1481: Mr. SHAYS.  
H.R. 1495: Mr. HUGHES, Mr. DANNEMEYER, Mr. SWETT, Mr. HARRIS, and Mr. GOSS.

H.R. 1515: Mr. GORDON, Mr. OWENS of Utah, and Mr. FROST.

H.R. 1566: Mr. BOUCHER, Mr. RAHALL, Mr. LAROCCO, Mr. FASCELL, Mr. RAY, Mr. DICKS, Mr. JEFFERSON, Mr. YATES, and Mr. HATCHER.

H.R. 1652: Mr. LEWIS of Florida, Mr. JONTZ, and Mr. SCHIFF.

H.R. 1655: Mr. CAMPBELL of Colorado.  
H.R. 1703: Ms. MOLINARI.

H.R. 1755: Mr. MCMILLAN of North Carolina and Mr. BAKER.

H.R. 1885: Mrs. BOXER.

H.R. 1992: Mr. MURPHY, Mr. WILSON, Mr. TOWNS, Ms. MOLINARI, Mr. BILBRAY, Mr. SCHIFF, and Mr. OXLEY.

H.R. 2008: Mr. PRICE.  
H.R. 2009: Mrs. UNSOELD and Mr. JEFFERSON.

H.R. 2027: Mr. FISH.  
H.R. 2081: Mr. REED and Mr. JEFFERSON.

H.R. 2199: Mr. KOPETSKI, Mr. HOCHBRUECKNER, Mr. PETERSON of Minnesota, Mr. RAHALL, Mrs. COLLINS of Illinois, and Mr. FALEOMAVAEGA.

H.R. 2210: Mr. DELLUMS.  
H.R. 2228: Mr. DE LUGO, Mr. DARDEN, and Mr. GRANDY.

H.R. 2248: Mr. LIPINSKI, Ms. SNOWE, Mr. MCNULTY, Mr. GEREN of Texas, Mr. WISE, Mr. MOLLOHAN, Mr. ROWLAND, Mr. VISCLOSKEY, Mr. ERDREICH, and Mr. BUSTAMANTE.

H.R. 2354: Mr. BILBRAY.  
H.R. 2363: Ms. SLAUGHTER of New York, Mr. CARDIN, Mr. KOPETSKI, Mr. TRAFICANT, Mr. ANDREWS of Maine, Mr. GALLO, and Mr. WALSH.

H.R. 2374: Mr. FOGLIETTA and Mr. SCHEUER.  
H.R. 2385: Mr. ANDREWS of Texas and Mr. BILIRAKIS.

H.R. 2456: Mr. SCHEUER.  
H.R. 2486: Mr. INHOFE.  
H.R. 2561: Mr. DORGAN of North Dakota and Mr. SWETT.

H.R. 2595: Mr. WALSH and Mr. LEWIS of Florida.  
H.R. 2598: Ms. ROS-LEHTINEN, Mr. KOLTER, Mr. BATEMAN, Mr. COBLE, Mr. CAMPBELL of Colorado, Mr. MURPHY, Mr. SANTORUM, Mr. SHAW, Mr. FRANKS of Connecticut, and Mr. MACHTLEY.

H.R. 2632: Mr. CAMPBELL of Colorado and Mr. MOODY.  
H.R. 2643: Mr. MCEWEN.

H.R. 2695: Mr. TAUZIN, Mr. SMITH of Texas, Mr. QUILLEN, Mr. ERDREICH, Mr. HANCOCK, Mr. LEWIS of Florida, Mr. UPTON, Mr. SUNDQUIST, Ms. ROS-LEHTINEN, Mrs. BENTLEY, Mr. MAZZOLI, Mr. PAYNE of Virginia, Mr. AUCOIN, Mr. MCCRERY, Mr. BROWN, Mr. SARPALIUS, Mr. LEWIS of Georgia, Mrs. LLOYD, and Mrs. BYRON.

H.R. 2755: Mr. FROST, Mr. FOGLIETTA, and Mr. WALSH.

H.R. 2806: Mr. TORRES, Mr. FAZIO, Mrs. UNSOELD, Mr. HORTON, Mr. STARK, Mr. ROE, Mr. ROYBAL, Mr. DICKS, and Mr. MINETA.

H.R. 2812: Mr. DWYER of New Jersey.  
H.R. 2821: Mrs. UNSOELD.  
H.R. 2824: Mr. HEFLEY.

H.R. 2840: Mr. NEAL of Massachusetts, Mr. BROWN, Mrs. ROUKEMA, Mr. RANGEL, and Mr. HUGHES.

H.R. 2860: Mr. RANGEL and Mr. MANTON.  
H.R. 2872: Mr. SANDERS and Mr. WALSH.  
H.R. 2880: Mr. SCHUMER, Mr. DORGAN of North Dakota, Mr. OWENS of New York, and Mr. FROST.

H.R. 2890: Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. LEWIS of Florida, Mr. HOCHBRUECKNER, Mr. MCCANDLESS, Mr. BROOMFIELD, Mr. FALEOMAVAEGA, Mr. KOLBE, Mr. TORRES, Mr. JONTZ, Mr. RANGEL, Mr. TOWNS, Mr. SCHIFF, Mr. SMITH of Iowa, Mrs. LLOYD, and Mr. BUSTAMANTE.

H.R. 2902: Mr. DREIER of California, Mr. DORNAN of California, and Mr. DANNEMEYER.  
H.R. 2903: Mr. DREIER of California, Mr. DORNAN of California, and Mr. DANNEMEYER.

H.R. 2904: Mr. DREIER of California, Mr. DORNAN of California, and Mr. DAN DANNE-MEYER.

H.R. 3006: Mr. HORTON and Mr. ROHRBACHER.

H.R. 3070: Mr. FEIGHAN, Mr. ANDREWS of New Jersey, Mr. SYNAR, Mr. AUCOIN, Mr. SWIFT, Mr. DWYER of New Jersey, Mr. STUMP, Mr. REED, Mr. ERDREICH, Mr. GORDON, Mr. COBLE, Mr. SMITH of Oregon, Mr. ZELIFF, Mr. BRYANT, and Mr. ROYBAL.

H.R. 3098: Mr. JONTZ and Mrs. LOWEY of New York.

H.R. 3102: Mr. EVANS, Mr. DYMALLY, Mr. LEHMAN of Florida, Mr. SLATTERY, Mr. HORTON, Mr. JEFFERSON, Mr. CONYERS, Mr. LAFALCE, and Mr. FUSTER.

H.R. 3104: Mr. OWENS of New York.  
H.R. 3128: Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. HANCOCK, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. CAMP, Mr. HYDE, Mr. PAXON, Mr. EWING, and Mr. ZELIFF.

H.R. 3164: Mr. RICHARDSON, Mr. REED, Mr. SCHIFF, and Mr. PICKETT.

H.R. 3216: Mr. HALL of Texas, Mr. PARKER, Mr. SKELTON, Mr. MONTGOMERY, Mrs. BYRON, Mr. HUTTO, Mr. THOMAS of Georgia, Mr. JENKINS, Mr. VALENTINE, Mr. WILSON, Mr. CAMPBELL of Colorado, Mr. CHAPMAN, Mr. GEREN of Texas, and Mr. BUSTAMANTE.

H.R. 3226: Mr. DWYER of New Jersey, Mr. CAMP, and Mr. EWING.

H.R. 3231: Mr. STALLINGS, Mr. EVANS, Mr. HUGHES, Mr. JEFFERSON, and Mr. PENNY.

H.R. 3239: Mr. STENHOLM.  
H.R. 3243: Mr. SHAYS, Mr. PETERSON of Minnesota, and Mr. MCCANDLESS.

H.R. 3281: Mr. OWENS of Utah.  
H.R. 3285: Mr. HEFNER, Mr. KOLTER, Mr. OBERSTAR, Mr. SCHIFF, and Mr. TORRES.

H.R. 3286: Mr. JEFFERSON and Mr. SABO.  
H.R. 3334: Mr. FRANK of Massachusetts and Mr. EDWARDS of California.

H.R. 3349: Mr. TAYLOR of North Carolina.  
H.R. 3351: Mr. MILLER of California.  
H.R. 3353: Mr. GILLMOR, Mr. BILIRAKIS, Ms. NORTON, Mr. SCHIFF, and Mr. BUSTAMANTE.

H.R. 3354: Mr. JEFFERSON.  
H.R. 3361: Mr. SOLOMON.  
H.R. 3372: Mr. JONTZ, Mrs. LLOYD, Mr. IRELAND, and Mr. LEWIS of Florida.

H.R. 3373: Mr. HORTON, Mr. PENNY, Mr. PORTER, Mr. PARKER, Mr. BORSKI, Mr. OLIN, and Mr. DIXON.

H.R. 3422: Ms. KAPTUR and Mr. SWETT.  
H.J. Res. 28: Mr. ROTH.

H.J. Res. 67: Mr. YOUNG of Florida, Mr. FORD of Michigan, Mr. JEFFERSON, Mr. LIGHTFOOT, Mr. FASCELL, Mr. STAGGERS, and Mr. BOEHLERT.

H.J. Res. 123: Mr. HOAGLAND, Mr. CHANDLER, Mr. SPENCE, Mr. WHEAT, Mr. WHITTEN, Mr. BENNETT, Mr. OBERSTAR, Mr. THORNTON, Mr. HOYER, and Mr. PETERSON of Florida.

H.J. Res. 177: Mr. MCCRERY, Mr. LAFALCE, Mr. FORD of Michigan, Mr. MAVROULES, and Mr. SMITH of Iowa.

H.J. Res. 189: Mr. KOLBE, Mr. FOGLIETTA, Mr. CLINGER, Mr. DICKINSON, Mr. MCCRERY, Mr. RIDGE, Mr. RITTER, Mr. SCHULZE, Mr. DREIER of California, Mr. GEREN of Texas, Mr. MCCLOSKEY, Mr. LEWIS of California, Mr. PURSELL, Mr. UPTON, and Mr. BENNETT.

H.J. Res. 212: Mr. SAVAGE, Mr. IRELAND, Mrs. UNSOELD, Mr. BLILEY, Mr. TRAXLER, Mr. LEACH, Mrs. BENTLEY, Mrs. ROUKEMA, Mr. PAXON, Mr. HERTEL, Mrs. COLLINS of Illinois, Mr. BILBRAY, Mr. LAFALCE, Mr. MARKEY, Mr. POSHARD, Mr. HOAGLAND, Mr. ESPY, Mr. ERDREICH, Mr. SKERN, Mr. YOUNG of Florida, Mr. DE LUGO, Mr. CONYERS, Mr. SMITH of Florida, Mr. HAYES of Illinois, Mr. YATES, Mr. KILDEE, Mr. NOWAK, Mr. DINGELL, Mr. HASTERT, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Mr. MOORHEAD, Mr. MAZZOLI, Mr. TOWNS, Mr. MOAKLEY, Mr. FUSTER, Mr. WEISS, and Mr. MINETA.

H.J. Res. 242: Mr. CONYERS, Mr. MCCRERY, and Mr. GUNDERSON.

H.J. Res. 261: Mr. ANDREWS of Maine, Mr. BRYANT, Mr. GALLO, Mr. GOODLING, Mr. HEFNER, Mr. HOYER, Mr. KOPETSKI, Mr. LANTOS, Mr. MCNULTY, Mr. RAVENEL, and Mr. WEISS.

H.J. Res. 300: Ms. SLAUGHTER of New York, Ms. ROS-LEHTINEN, Ms. KAPTUR, Mr. GOOD-

LING, Mr. LAUGHLIN, Mr. DELLUMS, and Mr. YOUNG of Florida.

H.J. Res. 312: Mr. MARTINEZ, Mr. ENGEL, Mr. PRICE, Mr. OWENS of Utah, Mr. LANCASTER, Mr. CLEMENT, Mrs. JOHNSON of Connecticut, Mr. FOGLIETTA, Mr. KOSTMAYER, Mr. GEKAS, Mr. GOODLING, Mr. KANJORSKI, Mr. BORSKI, Mr. RITTER, Mr. COYNE, Mr. WELDON, Mr. SCHEUER, Mr. TRAFICANT, Mr. ANDREWS of New Jersey, Mr. HOCHBRUECKNER, Mr. SHUSTER, Mr. GILMAN, Ms. KAPTUR, Mr. SPENCE, Mr. JEFFERSON, Mr. HEFNER, Mr. DE LUGO, Mr. RIDGE, Mr. RAMSTAD, Mr. COBLE, and Mr. PAYNE of New Jersey.

H.J. Res. 317: Mr. DOOLITTLE, Mr. PENNY, Mr. INHOFE, and Ms. MOLINARI.

H.J. Res. 324: Ms. HORN, Mr. BOEHLERT, Mr. LIGHTFOOT, Mr. SPENCE, Mr. MINETA, Mr. HAMMERSCHMIDT, Mr. INHOFE, Mr. GILLMOR, Mr. EVANS, Mr. TRAFICANT, Mr. BROOMFIELD, Mr. LEACH, Mr. BURTON of Indiana, Mr. ENGEL, Mr. RAHALL, Ms. NORTON, and Mr. HYDE.

H. Con. Res. 81: Mr. BUSTAMANTE.

H. Con. Res. 102: Mr. SOLOMON and Mr. RITTER.

H. Con. Res. 144: Mr. SCHEUER and Mr. MANTON.

H. Con. Res. 149: Mr. ZELIFF.

H. Con. Res. 179: Mrs. JOHNSON of Connecticut.

H. Con. Res. 180: Mr. YATES and Mr. FOGLIETTA.

H. Con. Res. 187: Mrs. LOWEY of New York.

H. Con. Res. 197: Mr. UPTON.

H. Res. 161: Mr. HORTON, Mr. MCCLOSKEY, Mr. JONTZ, and Mr. FOGLIETTA.

H. Res. 194: Mr. HUTTO, Mr. OXLEY, Mr. SCHIFF, and Mr. SHAYS.

H. Res. 201: Mr. IRELAND, Mr. GLICKMAN, Mr. HOYER, Mr. LEHMAN of California, Mr. SWETT, Mr. RAY, Mr. LEHMAN of Florida, Mr. FAZIO, Mr. SHAW, Mrs. MEYERS of Kansas, Ms. NORTON, Mr. CARDIN, Mr. CONYERS, Mr. HALL of Texas, Mr. LAROCOCO, Mr. STOKES, Mr. SAVAGE, Mr. JONTZ, Mr. LEWIS of Georgia, Mr. ANDREWS of New Jersey, Mr. BOEHLERT, Mr. BROWDER, Mr. CALLAHAN, Mr. DREIER of California, Mr. EVANS, Mr. LUKEN, Mr. MCCREERY, Mr. PALLONE, Mr. PARKER, Mr. POSHARD, Mr. REGULA, Mr. RIDGE, Mr. SOLARZ, Mr. TANNER, Mr. FAWELL, Mr. BROWN, Mr. CARPER, Mr. GINGRICH, Mr. JOHNSON of South Dakota, Mr. GOODLING, Ms. LONG, Mr. LIVINGSTON, Mr. OBEY, Mr. DELAY, Mr. FALEOMAVAEGA, Mr. THOMAS of Georgia, Mr. RIGGS, Mr. WELDON, Mr. ZELIFF, Mr. KYL, Mr. EMERSON, Mr. YOUNG of Florida, Mr. SCHAEFER, Ms. SLAUGHTER of New York, Mr.

TAUZIN, Mr. SMITH of Florida, Mr. WHEAT, and Mr. GUNDERSON.

H. Res. 222: Mr. GILLMOR, Mr. CAMP, Mr. NUSSLE, Mr. JONTZ, Mr. SANDERS, Mr. EWING, Mr. FOGLIETTA, and Mr. BUSTAMANTE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of September 30, 1991]

H. Res. 194: Mr. ROTH.

[Submitted October 1, 1991.]

H.R. 1330: Mr. RIGGS.

H.R. 3334: Mr. DELLUMS.

H. Res. 194: Mr. WALSH.

PETITIONS, ETC.

Under clause 1 of rule XXII,

124. The SPEAKER presented a petition of the city council of the city of Seattle, WA, relative to South Africa; which was referred to the Committee on Foreign Affairs.

## EXTENSIONS OF REMARKS

DOMINIC D. DiFRANCESCO, NEWLY ELECTED AMERICAN LEGION NATIONAL COMMANDER, SPEAKS OUT FOR VETERANS

## HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. MONTGOMERY. Mr. Speaker, during its 73d National Convention last month in Phoenix, AZ, the American Legion elected Dominic D. DiFrancesco as national commander. Commander DiFrancesco brings to the post a keen understanding, acquired from first-hand experience, of the needs and concerns of the Nation's veterans. His record of service is quite impressive.

A Navy veteran of the Korean war, Commander DiFrancesco served 3 years as communications technician before returning to his home in Steeltown, PA. He joined Middletown Post 594 of the American Legion and served as its commander before progressing to leadership roles at the county and district echelons.

In 1986, the Legionnaires of the Keystone State elected him department commander. He also has served as Pennsylvania's national executive committeeman and alternate national executive committeeman.

At the national level of the American Legion, Commander DiFrancesco has served as chairman of the membership and post activities committee and the legislative commission, in addition to membership on the public relations commission, the national security council, and the resolutions subcommittee. He was part of a special American Legion delegation that went to Saudi Arabia in October 1990, to gain first-hand knowledge of the preparations, the needs, and the concerns of American troops prior to Operation Desert Storm.

In addition to his Legion offices, Commander DiFrancesco has served in a variety of civic capacities related to services for veterans, including the Department of Veterans Affairs Advisory Committee on Cemeteries and Memorials, the Pennsylvania War Memorial Commission, and the Pennsylvania War Veterans Council.

He was a plans and resource specialist for the Federal Government at the time of his retirement in 1988.

Commander DiFrancesco and his wife, Beverly, reside in Middletown, PA. They are the parents of four children: Debra, Anthony, Toni Ann, and Dominic II, and the grandparents of eight.

On September 24, before a joint hearing of the House and Senate Veterans' Affairs Committee, Commander DiFrancesco presented the Legion's legislative priorities and objectives for the coming year. I would like to share the text of his comments with my colleagues:

REMARKS BY DOMINIC DiFRANCESCO, NATIONAL COMMANDER, THE AMERICAN LEGION

Mr. Chairman and Members of both Committees: I am honored to be representing the Nation's largest and most rapidly growing veterans organization. In that regard, I am pleased to report that we have exceeded a membership level of 3 million for the third consecutive year.

As I present the American Legion's legislative priorities for the coming year, I want you to know how deeply we respect our working relationships with both of your committees. I also want to commend the work that was done in early 1991 when your committees provided the congressional leadership to approve, in rapid succession, a series of legislative measures to strengthen certain benefits and services available to veterans.

Since then, Congress has relied upon your expertise in developing several recent public laws that meet some of the readjustment needs of Persian Gulf war veterans. And we know that your work is continuing in areas such as PTSD treatment, family counseling, and employment assistance.

Although Congress generally followed your lead, it became obvious, as early as March of this year, that some of your Senate and House colleagues were not willing to endorse any major benefit improvements. Perhaps, the first evidence of this was during the debate over increased educational assistance under the Montgomery GI Bill. Despite the efforts of your own Members, the increased level of monthly assistance that finally passed was only 25 percent of the amount that was initially proposed.

My purpose in citing this brief history is to show that even the excitement of a major U.S. military victory could not prevail over the arguments of those in Congress who say that the Federal Government cannot afford significant improvements in veterans benefits. Dealing with that attitude brings me to the heart of this presentation today.

The American Legion remains convinced that the Nation can afford to pay more for veterans benefits and services. We are also convinced that VA is a national resource and that VA delivers its services at a bargain price.

It is obvious that, in recent years, budgetary restrictions have dramatically affected the delivery of VA services. Analyzing VA from a budgetary viewpoint leads us to several conclusions.

First, if the entire Federal budget had been handled like the VA budget over the past 10 years, the Federal Government would now be operating at a sizable surplus—rather than a \$300 billion deficit. Second, in our opinion, congressional oversight of VA programs is so thorough that spending VA dollars can be justified as easily as any other Federal expenditure. And third, the various budget-driven changes in health care eligibility over recent years have created such confusion among veterans that many of them simply don't know whether they have access to the system.

Ten months ago, our organization conducted a survey of VA medical center directors. We asked those directors to describe

their immediate problems and their long-term budgetary needs. The results of the survey reveal several common problems.

First, the need to purchase new or replacement medical equipment has become so severe that the total backlog is now estimated at \$1.2 billion! Second, pharmacy costs are increasing rapidly and are expected to continue on that pace in the near future. Third, most directors reported that budgetary shortages are placing their medical school affiliations in jeopardy.

Overall, VA medical center directors are being forced to do more with less. Necessary maintenance is being delayed. Contract nursing home care is being curtailed or completely discontinued. And even new facilities are forced to operate at less than full capacity because activation funds are in short supply.

We realize that many of the problems described in our survey summary are not new ones. But we don't believe the severity of those problems is fully appreciated. We are convinced that budget architects here in Washington have ignored, or just don't understand, VA's financial dilemma.

It appears that those budget planners are so consumed by short term savings that they are unable to see the cost effectiveness of VA programs. They fail to recognize the wisdom of investing in a medical system where cost containment is practiced constantly. They ignore the value of investing in an educational assistance program that has produced hundreds of billions of dollars in new tax revenue. And they overlook VA's research potential to save lives, to reduce the need for expensive health care and to save taxpayer dollars over the long-term.

On behalf of the Nation's veterans, and in the interest of sound public policy, I sincerely hope that these budget architects will pay attention to what we are saying here today. These people will receive copies of our presentation. I just hope they read it.

In particular, I would invite their attention to our recommendations regarding certain portions of the VA budget for fiscal year 1993. In that year, we believe the medical care account should be funded at \$15.6 billion. This proposal represents a \$2.1 billion increase over the expected total for fiscal year 1992.

Most of the \$2.1 billion increase would be directed toward medical personnel pay raises, the purchase of essential medical equipment, increased pharmaceutical costs, activation of replacement facilities and necessary expansion of VA's specialty care capacity.

None of these recommendations involve any frills or luxuries. The additional money would simply provide VA more resources to meet the current demand for health care.

In our opinion, VA's inability to meet the current demand is well documented. Yet, the Department now wants to experiment with the idea of opening the doors of its medical facilities to nonveterans. We have some very deep concerns over VA's treatment of nonveterans, and we plan to voice those concerns at the appropriate forums.

Mr. Chairman, in the area of VA medical and prosthetic research, we recommend \$280

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

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

million for fiscal year 1993, an amount that is based upon considerable study. It is the total recommended for fiscal year 1992 by VA's own blue ribbon research panel.

We fully support the panel's report. VA has the potential and it has the appropriate patient population to assume national leadership roles in selected areas of applied research. The Department simply needs the financial support to reach its potential.

Throughout the past decade, both of your committees have devoted an enormous amount of time and effort evaluating the changing health care needs of the VA patient population. You have been very responsive to those needs by mandating VA to take on a variety of specialty care obligations. Unfortunately, the budget architects that I mentioned earlier have failed to support your world. They have refused to ask for the dollars necessary to finance these worthwhile undertakings.

When referring to specialty care, we include services designed to deal with PTSD, geriatric diseases, AIDS, drug and alcohol abuse, chronic mental illness, homelessness, and agent orange residuals. We also include treatment methods emphasizing noninstitutional approaches that involve sharing arrangements between VA, veterans organizations, and various other providers at the local level.

No discussion of VA health care delivery would be complete without mentioning medical facility construction. We now know that 75 percent of VA's general hospitals are at least 30 years old, 95 percent of the Department's psychiatric hospitals are just as old. These facts speak for themselves. If VA is expected to practice modern medicine beyond the year 2000, the trend to replace its medical facilities must be accelerated immediately.

One of the most discouraging financial developments affecting VA is how the unmet budgetary needs of VA's regional office operations continue to grow. Your committees, in the recent past, have done a very fine job in revealing those needs and making the case for more financial support.

Shortages in both the quantity and quality of regional office personnel have been documented many times. We know that there are limits to what automation can do, and we know that there is no substitute for experienced claims processors.

Up to this point, I have simply highlighted some of our priority interests. There are others that deserve your complete attention. Among those items are DIC reform, the benefits cuts that were included as part of last year's budget law, State veterans home construction, State veterans home per diem rates, and problems plaguing the cemetery system.

Returning to the matter of our most recent veterans—we believe that in order to fairly evaluate the readjustment needs of Persian Gulf war veterans, it is important to recognize several facts. This most recent war effort relied heavily on activated Reserve and National Guard members, and there were much higher percentages of married soldiers and female soldiers involved in the conflict.

As early as 12 months ago, it became apparent to the American Legion that these unusual circumstances demanded special attention. In October of last year, we established our own family support network to meet the basic family needs of those who were sent to the theater of operations.

Our support network has responded to more than 30,000 requests for assistance. We have provided services ranging from house-

hold repairs to direct cash grants totalling more than \$250,000. The focal point of the network, a nationwide toll free number, will continue to be in operation for as long as the need exists.

Although the Persian Gulf war veteran population presents some unusual characteristics, when compared to previous generations, there are certain basic needs that are very clear. One of these is employment assistance.

Like you, we have spent considerable time and effort this year to insure that the nationwide network of veterans employment specialists is fully operational. And we share your concern over the various transitional assistance activities being carried out jointly by the Defense and Labor Departments. We will continue to monitor that situation very closely. We will also be watching closely as Congress deals with pending legislation that includes veterans eligibility for expanded unemployment compensation benefits.

Finally, I invite your attention to the issue of educational assistance. Our organization is convinced that something has to be done to improve the current benefit levels, and we know that many of you are committed to the same goal. We think it's unfair to ask this most recent generation of veterans to accept a benefit package that is not nearly as generous as the ones received by their parents and grandparents over the past 4 decades.

The American Legion believes the current maximum benefit level must be doubled, just to make public college education affordable. At this point, our own draft legislation proposal is undergoing a cost analysis. When that process is complete we will be seeking a principal sponsor and the support of both of your committees.

We know some people will say that the Nation cannot afford this legislative proposal. We disagree. Paying for an improved GI Bill is an investment in the Nation's future. It is also an investment in a program that has produced cash dividends to government treasuries for more than 40 years. In fact, similar investments since 1945 have enabled many of your own congressional colleagues to prepare themselves for the offices they now hold.

As you and your colleagues work on the final details of the fiscal year 1992 Federal budget, we look forward to your assistance and leadership to insure that the fiscal year 1993 budget plan recognizes the wisdom of investing in veterans benefits and services. We also urge the budget architects in the executive branch to reassess their spending priorities and to demonstrate that they understand a simple, documented fact—the return on Federal dollars allocated to VA research, educational assistance, and medical care is an excellent one. Allocating money to VA makes sense, from a fiscal policy perspective and a public policy perspective.

#### BREAST CANCER ON LONG ISLAND: AN AVOIDABLE TRAGEDY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. DOWNEY. Mr. Speaker, October is Breast Cancer Awareness Month—a time that is nationally set aside to acknowledge programs and activities aimed at preventing, de-

tecting, and treating breast cancer. In recognition of this special month, the Subcommittee on Human Services of the House Select Committee on Aging held a hearing late last month in Brentwood, NY, entitled, "Breast Cancer on Long Island: An Avoidable Tragedy."

This hearing served as a kickoff event for Breast Cancer Awareness Month, and is being followed by events and activities throughout Suffolk County and across the country. This hearing was especially important to the citizens of my congressional district because Long Island inexplicably has one of the highest rates of breast cancer in the world. Many of the witnesses testifying at the hearing emphasized the need for early detection as the best possible defense against breast cancer. In addition, the high costs of mammography screening emerged as a critical concern.

I would like to insert my opening statement from the hearing into the RECORD, but I would also like to take this opportunity to thank all the witnesses who appeared before the subcommittee that day, bringing with them a great deal of expertise and insight into this tragic disease and its effects.

The witnesses who testified were the Honorable Patrick Halpin, county executive of Suffolk County, NY; Dr. Clare Bradley, director of adult medical services, Suffolk County Department of Health; Ms. Barbara Balaban, director, Statewide 800 Hotline for Breast Cancer and Long Island Oncology Services; Diana Truglio, founder of Women's Outreach Network; and Edna Mullally and Claire Segal, two very courageous public citizens. In addition, I would like to salute the entire staff and volunteer force of the Suffolk County Women's Outreach Network, who in cooperation with the Suffolk County Women's Services Unit and Suffolk County legislators sponsor a program for early breast cancer detection and a very successful Mobile Mammography Outreach Program. Their efforts are to be commended for providing the women of Suffolk County with convenient and professional breast cancer detection services in a mobile setting. Finally, I would like to congratulate the Suffolk County Department for the Aging, which has worked very closely with me on this, as well as in many other aspects of my subcommittee work. I particularly would like to commend the excellent work of Ms. Ann McShane who has provided me and my staff with much guidance and professional advice over the years.

#### BREAST CANCER ON LONG ISLAND: AN AVOIDABLE TRAGEDY

(Statement of Hon. Thomas J. Downey)

As the Chairman of the House Select Committee on Aging's Subcommittee on Human Services, I am pleased to open this hearing entitled, "Breast Cancer on Long Island: An Avoidable Tragedy." Before we begin our hearing, I would like to thank my friend and colleague, Congressman Neil Abercrombie representing the State of Hawaii for being with us on Long Island this morning. His presence today confirms his deep concern about the devastating problem of breast cancer.

The issue of breast cancer is not a new one. Often it is not a comfortable subject to discuss. Sadly, nearly everyone in this room has been affected by breast cancer in some way, whether it be personally, or because of a family member or close friend. Breast cancer is, however, a reality—as is the fact that

breast cancer is most common in women over the age of 50, and, unfortunately, the incidence increases with age. We have reached a crisis with respect to this disease, across America, and especially here on Long Island, where the mortality rate from breast cancer is inexplicably high. Estimates indicate that 10 percent of American women will develop breast cancer in their lifetimes. Last year, of the nearly 150,000 women in this country projected to get breast cancer, close to 44,000 were expected to die.

In our State of New York, of the 39,000 people projected to die in 1990 from all types of cancer, 3,800 were expected to be due to breast cancer.

New statistics show that 1 out of every 9 American women will develop breast cancer at some point in her life. Over the past 10 years, the incidence of breast cancer has increased by more than 33 percent. Equally alarming is the fact that the mortality rate for women with breast cancer has remained virtually unchanged since 1930.

The long natural history of breast cancer makes the disease an ideal model for early detection and intervention. Researchers indicate that early detection could prevent 25 to 30 percent of breast cancer deaths. There have been developments in the treatment of breast cancer in recent years. But, despite advances in the primary treatment of breast cancer, there remains a lack of research—even in the surgical approach to breast cancer. And, although there are known risk factors associated with breast cancer, over 70 percent of the women who develop the disease have no identifiable risk factors at the time they are diagnosed. Much more needs to be done if we are to eliminate the disease altogether. Whether it be a dietary issue, a geographical issue, or a genetic issue, the problem will continue to spread until there is a cure.

More funding is needed for continued research, and the Federal Government must continue to show its compassion and concern for the growing number of women who are afflicted each year by earmarking specific funds for this purpose.

I am pleased to report that the House Appropriations Committee has recommended an increase of at least \$30,000,000 more than requested by the administration for the research of breast cancer through the National Cancer Institute. But, besides increased funding, there are other ways in which we can work together to eradicate breast cancer in our lives.

Breast cancer is a disease that knows no real social boundaries, but which, with early detection, can be treated. It is a disease that can not only be fatal, but that can also wreak physical and emotional damage, if not detected in time. It affects not only the victim, but the victim's family as well.

As women become older, mammograms become increasingly important in early breast cancer detection. Mammograms can detect a lump so small that it would have to increase in size for 2 to 3 years before a woman could detect it herself in a self examination. But, despite the benefits of early detection, many women find excuses not to have regular mammograms. The cost factor is but one reason. Inconvenience and fear are two others.

As you know, the Federal Government took a significant first step toward dealing with the cost factor with the enactment of the Omnibus Reconciliation Act of 1990. For the first time, Medicare will provide reimbursement for a mammography screening, once every 2 years, for all women over 65

years of age and for disabled women over the age of 35.

I indicated that this is only a first step. For one thing, Medicare ought to provide for an annual mammography screening, and I am hopeful that legislation to that effect can be passed this year.

Health care professionals are working hard to make it easier for women to follow breast cancer screening guidelines developed by the National Cancer Institute and other organizations. Many private associations, businesses, and concerned individuals—some of whom are with us today—are spreading the word about the importance of early detection and regular screening.

Because early detection of breast cancer is the key to decreasing the number of deaths, a heightened awareness of breast cancer is critically important. Each year, the month of October is set aside nationally as "Breast Cancer Awareness Month," and I am pleased that Suffolk County and other parts of Long Island will be taking part in this annual recognition. Some of our witnesses here this morning are part of the planning committees for activities planned in October, and we will be hearing about their work and experiences shortly. There will be many opportunities for people to educate themselves to the importance of breast examinations and mammograms, and to take note of the recommendations set forth by the National Cancer Institute, the American Cancer Society and by physicians across the country.

As we begin our hearing this morning, I would like to think of this as a kick-off point for Breast Cancer Awareness Month. I look forward to hearing what our witnesses have to say.

TRIBUTE TO CHIEF JUDGE JAMES  
LAWRENCE KING

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SMITH of Florida. Mr. Speaker, the Federal court with the heaviest criminal caseload in the United States is the district court in southern Florida. It is authorized for 16 judges to keep pace with the heavy load of civil and criminal cases filed in south Florida, many of which involve drug trafficking. Yet the Southern District is operating with 30 percent fewer judges than it should have. Even if the bench were full, this court would still be the busiest in the country.

Chief Judge James Lawrence King has successfully managed to delegate the overwhelming number of cases which come through the court. Right now, 11 judges are doing the job of 16 but this cannot continue.

I would like to include in the RECORD a Miami Herald editorial which appeared September 25, 1991.

THANK YOU, YOUR HONOR: JUDGE LARRY KING

For the last seven years, James Lawrence King has known the exalted status of being the chief judge of the busiest Federal court in the nation. But among the reasons that the Federal Bar Association and the Dade County Bar Association are honoring him with a dinner tonight is that Larry King's exalted status never went to his head. Instead, it went to his roots.

Judge King, who yielded the chief judgeship to Judge Norman Roetger earlier this

month, chuckles in private that his career has taken him only about 35 blocks. That's the distance to the Federal Courthouse from his birthplace at 2229 NW 35th St.

He was born at home on Dec. 20, 1927. The house had neither electricity nor indoor plumbing. "I was in the sixth grade before we ever had anything more than a kerosene lamp to read by," he recalls.

That lamp lit within him a great love for Miami and South Florida. And Larry King's own lights—pre-eminently as chief judge, but also eminently as a first-rate jurist as well—have been a beacon for a court beset by circumstances and stresses unique in the entire Federal-court system.

Consider some bare numbers alone: Nationally, Federal judges carry an average load of about 400 cases, civil and criminal. The 11 active judges in the Southern District of Florida, which covers all of South Florida, average 700 cases. Moreover, because geography makes South Florida a natural drug-importation point, this district's judges get an above-average load of complex, multiple-defendant criminal cases.

Some districts, with criminal caseloads not even approaching that of the South Florida district, have stopped taking civil cases altogether. Not this court. I have just moved up to fourth (from sixth) nationally in the number of civil cases disposed of. Average time: six months. "That," says Judge King, "is a miracle."

Whatever it is, it's attributable to Judge King's work ethic and his example: For seven years, he carried a full caseload even while devoting 25-30 hours a week to his administrative duties as chief judge.

Judge King could take senior status in December 1992, when he turns 65, and hear fewer cases. He says that he's not close to that decision yet. He's only close, at tonight's dinner, to a long and deserved ovation for exemplary public service.

IN RECOGNITION OF THE  
ELLERBE, NC, JAYCEES

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. HEFNER. Mr. Speaker, during the August recess I had the honor of taking part in a media social given by the Ellerbe, NC, Jaycees, and I came away so impressed by this group that I wanted to bring them to the attention of my colleagues.

The Ellerbe Jaycees were chartered on February 28 of this year with 52 members, making them the largest Population Division II Jaycee Extension in the United States for the 1990-91 Jaycee year. In fact, this chapter has been presented a national pacesetter award by Rusty Molstead, president of the U.S. Jaycees.

The Ellerbe Jaycees were extended by the Southern Pines Jaycees, who extension chairman was James Rupard. Charter and current president of the Ellerbe chapter is Sonny Slate.

Mr. Speaker, I understand that the president of the North Carolina Jaycees, Bill Sharek, made this year's theme "Believing in Dreams." Well, the Ellerbe Jaycees tell me that they believed in dreams when they chartered, and that they continue to believe in them as they

strive to serve their local and State communities.

Mr. Speaker, I think the Ellerbe chapter of the Jaycees is the embodiment of what their State president had in mind, and I ask my colleagues to join me in congratulating them for their tremendous achievement, and in wishing them continued success.

THE REPUBLIC OF CHINA  
CELEBRATES 80TH BIRTHDAY

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. ROSE. Mr. Speaker, the 10th day of October will be a very special day for the Chinese people on Taiwan. It is their national day. And this year's national day has special meaning for them, because it marks the 80th anniversary of the founding of the Republic of China.

The Republic of China has achieved a great deal during its 80 years of history. Today, the 20 million citizens of Taiwan enjoy one of the highest standards of living in the world. Taiwan's per capita GNP this year will be around US\$8,000, and the Government has \$7.2 billion in foreign reserves and dispenses millions of dollars to help Third World and developing countries in achieving their goals of economic self-sufficiency and prosperity.

Politically, the Chinese people on Taiwan enjoy all the freedoms that we Americans enjoy and the Government is committed to becoming a fully democratic government.

Taiwan justifiably should be very proud of its many achievements, both economic and political.

Congratulations, President Lee Teng-hui of the Republic of China on Taiwan, you have done an excellent job in guiding your people and your nation toward a perfect society.

IN CELEBRATION OF NATIONAL  
HISPANIC HERITAGE MONTH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. FAZIO. Mr. Speaker, I rise today to mark the commemoration of National Hispanic Heritage Month during the period from September 15 to October 15. As a cosponsor of H.R. 3182, which authorized the designation of National Hispanic Heritage Month, I am proud to take part in this important celebration.

It is most appropriate that we take the time to consider the important role that individuals of Hispanic heritage have played in the history of our great Nation and consider the contributions of Hispanic culture to the diversity and vitality of our Nation.

Ever since Hispanic explorers visited the vast territory of the "New World" nearly half a millennium ago, men and women of Spanish and Latin American descent have made major contributions to the development of our country. Today, Hispanic Americans are leaders in

business, sports, science, law, medicine, and the arts. Hispanic Americans also occupy positions of leadership throughout our system of Government, serving as councilmen and women, mayors, Governors, and members of State legislatures, the Congress, and the administration.

Many of our Nation's oldest churches, which continue to enrich the spiritual life of our Nation, were founded by Hispanic pioneers. The rich ethnic heritage of Hispanic Americans gives us cause to celebrate because it is a proud and vibrant part of our Nation's heritage.

Hispanics make up the highest number of Congressional Medal of Honor winners of any ethnic group and have fought with valor in the Revolutionary War and every subsequent armed conflict involving the United States. During World War II, Hispanic Americans served with distinction, revealing the depth of their patriotism. Lt. Col. Jose Holguin of California, for example, proved to be an outstanding navigator among U.S. bomber forces in the Pacific. In his tradition, young Hispanics have continued to serve their country with honor and bravery as witnessed in the Korean, Vietnam, and Persian Gulf wars.

The Hispanic community has enriched American society beyond measure. That is why we must continue our efforts to address the many problems which threaten to prevent Hispanic Americans in our generation from participating fully in every aspect of American life. We must work to ensure that there are no barriers for Hispanic Americans in the areas of employment, housing, and education.

Mr. Speaker, as we celebrate National Hispanic Heritage Month, let us all reaffirm our commitment to ensuring that equality of justice and opportunity are enjoyed by all Americans.

RULE ON H.R. 6, THE FINANCIAL  
INSTITUTIONS SAFETY AND  
CONSUMER CHOICE ACT OF 1991

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic Caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 6, the Financial Institutions Safety and Consumer Choice Act of 1991, with amendments.

LOCAL NEWSPAPER BLASTS  
DEMOCRATS FOR POLITICAL OP-  
PORTUNISM ON UNEMPLOYMENT  
ISSUE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SOLOMON. Mr. Speaker, I want to inform my friends on the other side of the aisle that they're not fooling anyone.

Out in the heartland of America, your constituents and mine all know that the Democrats would rather prolong the recession than end it; anything to score some political points next year.

I hold in my hand a recent editorial from my hometown newspaper, the Post-Star of Glens Falls, NY.

The Post-Star rarely editorializes on national issues, but they couldn't pass up this one.

Speaking about the Dole-Gingrich-Solomon bill, the Post-Star writes: "The Democrats have shown no taste for it because they want an election issue."

It's obvious to the Post-Star, and to most Americans, that the Democrat's bill will do nothing but inflate the budget deficit.

No wonder Republicans have won five of the last six Presidential elections.

I'll be glad to enter the editorial in today's RECORD, and I urge all of you to read it.

But in the meantime, let's pass a bill the President will sign.

Let's pass a bill that will help unemployed Americans tomorrow.

And let's do it today.

The article follows:

[From the Post-Star (Glens Falls, NY), Sept. 26, 1991]

DEMOCRATS WANT ISSUES, NOT ACTION

Sen. Bob Dole, R-Kan., has offered both President Bush and congressional Democrats a way out of their stalemate on an unemployment-benefits bill.

The problem is that the Democrats may prefer to create an election issue rather than to see something genuinely done for the jobless.

The Democrats want to declare a national unemployment "emergency" and pass a \$6 billion bill to extend benefits for 3 million people who have been out of work for more than six months.

That is the wrong bill for several reasons: First, cyclical recessions are not economic emergencies, and signs are multiplying that this one is ending. Further, the Democrats include no means to fund their program; their bill would simply add \$6 billion to the deficit, already running at a record \$330 billion this year, and would violate the 1990 bipartisan budget act.

The country can't afford that. Reducing the federal debt, which already requires 17 percent annual financing costs, is an obligation to future generations. Any new expenses, however worthy, must be covered.

But, while cyclical recessions aren't emergencies, they can be darned painful. In California, the unemployment rate reached 8.2 percent this year and in fields such as construction an aircraft manufacturing went even higher.

Nationally, as the transition is made from a Cold War to a peacetime economy, unemployment for many will last longer than the 26 weeks now covered by law.

Dole's bill, which Bush has said he would sign, would provide up to 10 weeks' additional unemployment coverage (compared to the Democrats' 20 weeks), and would finance payment by auctioning off radio frequencies and tightening up student loan-repayment requirements.

So far, the Democrats have shown no taste for it because they want an election issue. They also think they have the votes for their first override of a Bush veto.

That's the wrong course of action. If they fail, which is a good bet, the unemployed get nothing.

The best course for the country would be a compromise bill. The Democrats would get much of the credit, for they were the prime movers.

But the nation would get a responsible bill. Above all, those Americans most hurt by the recession would get the needed help.

COMMEMORATING THE 25TH ANNIVERSARY OF JERSEY CITY'S BERRY GARDENS HOUSING FOR SENIOR CITIZENS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. GUARINI. Mr. Speaker, this Friday is the celebration of the 25th anniversary of Berry Gardens, Jersey City's first public housing designed specifically for the elderly.

I would like you, Mr. Speaker, and my distinguished colleagues to join me in saluting those who first created Berry Gardens and the residents, staff and public officials who through the years have made it a warm, pleasant home.

Berry Gardens first opened on August 1, 1966. It was named after Bernard J. Berry, mayor of Jersey City from 1953 to 1957. Its design was that of a conventional housing project with 286 units, but its intended use was anything but typical.

While other housing projects gave shelter to low-income families, Berry Gardens was a home designed specifically for seniors and the handicapped elderly. It was the first of its kind in Jersey City.

Berry Gardens was, and is, everything that a good housing project should be. Seniors living here are provided with comfortable, safe housing. They are part of a community that is active in many endeavors. Berry Gardens is so successful that there is currently a waiting list of approximately 300 people.

Soon after the opening of Berry Gardens, the residents established their own social clubs, the 199 Club and the 92 Club. These clubs provide social and community involvement for residents and help them to take a leadership role in their community.

I would like to publicly thank those tenant leaders who have run these two clubs over the years: Florence Keegan, first 92 Club president; Jessie Hochreder, first 199 Club president; the late Edward Sullivan, second 92 Club president; Elizabeth Green, second 199 Club president; Catherine Hanley, third 92 Club President; and Sally McCann, third 199 Club president.

Currently, Mrs. Agnes Carbone is president of the 92 Club and Ms. Bernice Marting is president of the 199 Club.

These leaders and all the other tenants of Berry Gardens have worked hard to maintain a high standard of quality housing. Their efforts stand as an example to tenants everywhere.

I would also like to recognize some of the staff who have labored diligently to provide the finest services possible to residents at Berry Gardens.

Mrs. Sarah Cooke Mason was the first manager of Berry Gardens and worked there from

1966 to 1979. She was responsible for moving the first residents into the complex and is remembered as a perfectionist who always kept the buildings in excellent condition.

Mrs. Eileen O'Mara followed as manager, serving in this position from 1979 until 1989. Under her direction, Berry Gardens obtained a grant from the New Jersey Department of Community Affairs, Division on Aging for a congregate service program. This project was run by Sister Norah Clarke and helps the frail and elderly to live independently.

Also during Mrs. O'Mara's tenure, a number of programs were started in the community hall. These included knitting, crocheting and other crafts. These were run by Sister Terasita, who is the sister of Mayor Bernard Berry.

In 1989, Ms. Dorothy Fowlkes was brought into Berry Gardens to start a number of projects to enable seniors to contribute to the community. She has encouraged Berry Garden residents to work on a number of projects including: The Congregate Service Program, a Senior Companion Program, a Foster Grandparent Program and a Seniors in Community Service Program.

Ms. Ruth Dixon is the current Berry Gardens manager. She is maintaining Berry Gardens high standards for quality housing and community service.

I would also like to acknowledge some of the public officials who have helped to make Berry Gardens such a success.

The Jersey City Housing Authority has done an excellent job in running this project, thanks to the leadership and direction of Executive Director Robert J. Rigby Jr. and Mark Russoniello, chairman of the authority's board.

Mr. William J. Lau, assistant executive director of the authority has worked to ensure quality living arrangements through his monitoring of management and operations. Mr. Andrew Pelliccio, a former housing authority commissioner, was very active and helpful in senior affairs during his time on the board, from 1981 to 1990.

Finally, Mr. Speaker, I would like you and my distinguished colleagues to join me in saluting nine residents who have lived in Berry Gardens since its opening.

The 25-year residents are: Doris Butling, Hugh Duffy, Elizabeth Greene, Emma Colbath, John Colbath, Lucy Cornell, Sarah Hobert, Julia King, and Sarah Rurade.

TRIBUTE TO MARK D. NORRIS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to an outstanding young man, Mark D. Norris, of Selinsgrove, PA, as he attains the rank of Eagle Scout. Mark is the son of the Reverend David and Jean Norris.

Mark has worked extremely hard to become an Eagle Scout, as he began his career in scouting in 1983 with Cub Scout Pack 3419 in Selinsgrove. During this time, he earned the Cub Scout religious award, the God and Family Award, and earned the highest award that

can be given to a Cub Scout—the Arrow of Light.

Mark joined Boy Scout Troop 416 in 1989, where he became an Assistant Scout Leader, Patrol Leader, and Quartermaster, and he is presently the crew chief for the Venture Patrol. Mark has taken full advantage of the opportunities that scouting offers, as he has gone on numerous hiking and canoeing trips, as well as the National Boy Scout Jamboree.

Mark's love for scouting led him to contact the trustees of Wesley United Methodist Church in Selinsgrove as he went about planning his Eagle Scout project. Mark decided that he would help refurbish the church's fellowship hall. Wanting to complete the project in time for the parish's 125th anniversary, Mark enlisted the help of several area professionals. Mark chipped out the cracks in a cinderblock wall and filled them with cement, painted the hall, put new cove molding down, washed the windows, and hung new draperies. Mark's outstanding work earned him the gratitude and respect of the church community.

Mark is also an honor roll student at Selinsgrove High School and plans on attending college after graduation. I am sure that Mark will be extremely successful in all of his future endeavors, based on what he has done thus far in his young life.

Mr. Speaker, I ask all of my colleagues to join me in paying tribute to Mark Norris for his many fine efforts that have benefited his community and for attaining the rank of Eagle Scout, something he richly deserves.

HONORING THE LIONS CLUB OF THE ISLIPS ON THE OCCASION OF ITS 45TH ANNIVERSARY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. DOWNEY. Mr. Speaker, it is with the greatest pride that I rise today to pay tribute and to share with my colleagues the long and dedicated service of the Lions Club of the Islips, which on October 19, 1991, will be celebrating its 45th anniversary of service to the community.

Throughout its 45-year history, the members of this organization have raised more than \$500,000 through many diverse activities such as raffles, pancake breakfasts, golf outings, dances, boat rides, and minstrel shows. The club has used these funds to provide local community residents with free eye examinations and eye glasses, kidney dialysis equipment, TTY machines for the hearing impaired, as well as baskets of food and clothing for needy residents at Christmas time.

Mr. Speaker, this very generous group of dedicated individuals has provided donations to organizations such as the Guide Dog Foundation for the Blind, the Vacation Camp for the Blind, the Long Island Eye Bank, the Empire State Speech and Hearing Clinic, the Cleary School for the Deaf, the Interdisciplinary School, local libraries and youth organizations. In addition, the Lions Club of the Islips is unique in that it is one of a few service organi-

zations in New York that has a free loan program of hospital equipment available. It is also one of the few Lions Clubs which has conducted an annual blood drive for more than 40 years. The hard work demonstrated by the members of this club for their significant and lasting contributions to the Islip community deserves to be publicly commended.

Mr. Speaker, I would like my colleagues in the House of Representatives to join me in the Lions Club of the Islips on its 45th anniversary and in extending them our best wishes for many years to come.

**THE 7TH ANNUAL DOUHET-MITCHELL AIR POWER TROPHY AWARD**

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. ENGEL. Mr. Speaker, it is my distinct pleasure, along with the Order of Sons of Italy in America [OSIA] National President Peter Zuzolo of Massapequa Park, NY, to honor Lt. Col. Carlo Masilli, the recipient of the 7th annual Douhet-Mitchell International Airpower Trophy Award in Florence, Italy.

Congratulations are to be extended to Lt. Col. Masilli, of the Italian Air War College's 59th course, who will receive the 7th annual Douhet-Mitchell Award on October 11, 1991, at the site of the Scuola Di Guerra Area, in Florence. He was selected for his paper on "Operational Maintenance and Logistical Evaluations on the Use of the F104/S Aircraft Until the Introduction of its Successor."

The order of the Sons of Italy in America, the oldest and largest Italian-American philanthropic, civic, and cultural organization in the United States, first awarded the Douhet-Mitchell International Airpower Trophy in 1985 with the full cooperation of the Governments of the United States and the Republic of Italy. The awards are given each year to aviation students from the respective nation whose written thesis "demonstrates extraordinary vision or foresight into the future military aerospace requirements of their countries." Awards are presented annually at the United States Air War College in Montgomery, AL, and at the Italian War College in Florence.

OSIA created the Douhet-Mitchell Award to honor America's first major proponent of Airpower, Brig. Gen. William "Billy" Mitchell, and his Italian counterpart, Maj. Gen. Giulio Douhet. Both these military leaders are held in high esteem for their pivotal contributions to the development and advancement of aviation, particularly for pioneering its various peacetime and military uses.

I commend the Douhet-Mitchell International Airpower Trophy Award for the unique bilateral exchange program it creates between the United States and the Republic of Italy. This honor increases communication, understanding, and cooperation between the military elements of the Republic of Italy and the United States while serving as a powerful link between two great and loyal allies.

**CRIS ALDRETE, GI GENERATION DESERVE THANKS**

**HON. J.J. PICKLE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. PICKLE. Mr. Speaker, last week we lost a beloved public servant, who meant a great deal to those of us in the southwestern part of the United States.

Cris Aldrete was a gentle but noble soul, who served as a congressional aide and a member of Senator LLOYD BENTSEN's staff and as a member of the Border Commission under President Jimmy Carter, where he rendered outstanding service.

Most important of all was the manner in which Cris achieved his mark as a public servant, full of humor and pleasant observations and committed to genuine public service. Cris helped all of us in the Southwest in his many years of dedicated and good-natured public service.

Arnold Garcia, Jr., a noted columnist for the Austin American-Statesman, captures the spirit of this good man, and I ask that this article be included in the RECORD.

[From the Austin American-Statesman, Sept. 23, 1991]

**CRIS ALDRETE, GI GENERATION DESERVE THANKS**

(By Arnold Garcia Jr.)

Many of you probably never heard of Cris-tobal Aldrete. As he put it once, his friends called him Cris.

He was a very courtly gentleman with an active sense of humor, a lot of style. He was a member of that GI Generation that came back from one war, World War II, to wage another—one for dignity and equality.

It was during that post-war period that Mexican Americans became increasingly vocal about sharing fully in what Texas had to offer. The League of United Latin American Citizens, formed in 1928, was joined by other organizations, the most notable of which was the American GI Forum, in pressing for social justice.

But the gulf between demanding and getting was—and some would argue, still is—wide.

Officialdom of the old Texas was as hostile as some of the landscape. As one participant in the struggle has reminded his son on more than one occasion, there was no safety net then.

That was before the Justice Department learned that minorities also have rights, much less that it had the responsibility to protect them.

It was a time when family members of a soldier killed in action could be denied the use of a funeral home chapel because they were "Mexicans."

It was the time of Dr. Hector Garcia, Ed Idar Jr., PASO, and the heydays of the American GI Forum and LULAC.

It was the time of Cris Aldrete. During a long and successful political career, Aldrete's life touched many of the great ones. He could tell you stories about them all.

Sadly, that life is over. Aldrete died last week of cancer.

He died wealthy, though, if friends and a legacy count. He had a lot of friends, and the legacy he and others forged was a rich one.

For a time, he traveled first class—he worked for congressmen, congressional com-

mittees, and was appointed by President Jimmy Carter to a border commission. He was an aide to U.S. Sen. Lloyd Bentsen of Texas. He became a resident of the District of Columbia back then, but never lost the part of him that was born and raised in Del Rio, the site of his earliest political successes. He was elected to the Del Rio City Commission in the early 1950s and later elected Val Verde county attorney.

During his Washington days, he came back to Texas frequently. He enjoyed swapping stories with his old friends, those who had shared the struggles of the early 1950s and 1960s.

His demeanor was a hard one to resist—he was quick with a quip and had a ready laugh. He was an adroit public speaker and had a charismatic presence.

Beyond that, those who worked with him remembered him as being a fundamentally good and fair man.

He could lay legitimate claim to having been a civil rights pioneer but was never bombastic about it, nor did he beat people over the head with it.

The efforts he and his contemporaries expended opened a lot of doors for a lot of people. Some of them may even know his name or recognize the significance of his having walked around among us.

Death will come to all of us, a friend of his noted on hearing the news, but that certainty doesn't make it any easier on family and friends when the end comes for one of their own.

Cris Aldrete's passing, however, is difficult in another way. It is a reminder that taps is being sounded more and more often for those gallant members of the GI Generation.

Their loss will be difficult enough, even more difficult if people are allowed to forget what they contributed. They were as brave as they were tough.

Maybe it's too late to say "thank you" properly to Cris Aldrete, but let's say thanks anyway.

It's not too late, though, to say "thanks" to those members of the GI Generation who are still with us for all they did.

So in that spirit: Thanks, Dad.

**CHURCH REFLECTS AREA'S ARMENIAN HERITAGE**

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. SOLOMON. Mr. Speaker, the 24th District of New York is distinguished for its great number of churches, which are historical landmarks as well as important houses of worship.

One of the most special of these churches is the United Armenian Calvary Congregational Church, which, quite typically, exists as a commentary on the growth of the Armenian Protestant community in the Troy area.

About half the Armenians who attend this church reside in my district. Armenians were relative latecomers among the waves of immigrants to this country. The first Armenians welcomed the hospitality of American churches, but to achieve their cultural and religious aspirations, it was vital to build their own church.

Ground was broken on July 1, 1908 at the 10th Street site which now serves as the parsonage. Dedication services were held the following January. The church was first called

the Armenian Presbyterian Church, in honor of the warm helping hand they received from local Presbyterian churches. The first pastor was Rev. Y. Yacoubian.

As the Armenian community grew, the need was perceived for a second church. The cornerstone of the Armenian Congregational Church was laid on August 27, 1916. Three months later, the church was dedicated.

As time went on, however, the existence of two Armenian churches proved to be a burden. The decision was made to merge. After lengthy negotiations, and many compromises, the merger became a reality. The first union service was held on September 21, 1919. The present title of the Armenian Calvary Congregational Church was joyously proclaimed.

New generations of Armenians took the place of their parents and grandparents, and kept the church alive with their dedication. The most visible proof of that is the erection of the beautiful church hall, site of many functions.

Like many churches, the Armenian Calvary Congregational Church has faced its share of financial problems, but the hope of a revitalized spiritual community remains as strong as ever.

Mr. Speaker, I ask you and other Members to join me in congratulating the church on the event of its diamond jubilee, and in wishing the congregation all the best.

#### MEMORIAL TO REV. S.R. JOHNSON

### HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. HEFNER. Mr. Speaker, in July, the city of Salisbury in my district lost one of its most dedicated and influential leaders, the Reverend Samuel Robert Johnson.

The Reverend S.R. Johnson was a voice for change in his city. He fought to remove signs of racism, to replace slums with the city's first public housing, and for many other vital and important causes that improved the lives of all Salisbury citizens.

S.R. Johnson was pastor of the Mount Zion Baptist Church and held many civic positions, including president of the Negro Civic League, president of the Salisbury-Rowan Ministerial Alliance, and Governor's appointee to Rowan County's Youth Advisory Board for the Department of Corrections. In recent years, he devoted much of his time and energies to organizing the Martin Luther King Humanitarian Awards Program, an effort he founded.

Mr. Speaker, Reverend Johnson was described by the mayor of Salisbury as a man who could get things done, and he could. He was a remarkable man and a remarkable leader whose goal was to make the world a better place for us all to live. S.R. Johnson did that and more, and he will be sorely missed by the people of his community and by all of us who had the honor to know him.

I rise today in tribute to Reverend Johnson and to express my deepest sympathies to his wife, Eva. And I ask that the editorial written in his honor by his hometown newspaper, the Salisbury Post, be entered in the RECORD at this point.

[From the Salisbury (NC) Post, Aug. 2, 1991]

#### THE TORCH IS PASSING

The passing of the Rev. S.R. Johnson, a powerful voice in Salisbury's black community for decades, comes at a time of generational change for black Americans.

Johnson's death at age 75 comes only weeks after Justice Thurgood Marshall, the first black on the U.S. Supreme Court, retired after a quarter century of service. Both men knew from first-hand experience the humiliations and harassment of the old-time segregationist system they'd seen as young men.

"They had those signs—'black and white,' 'black and white.' It was terrible," Johnson told The Post last year, recalling the segregation he experienced in Salisbury during the '40s and '50s.

Those were also the days when some Salisbury blacks lived in wretched slums—a condition that fired Johnson to push for a clean-up of those areas and the erection of public housing. One of his finest achievements was helping to found the Salisbury Housing Authority, which accomplished that goal. It was fitting that Johnson turned the first spade of dirt at the ground breaking for the first project.

In the '80s, Johnson started one of the most uplifting annual events in Rowan County: the Martin Luther King Humanitarian Awards program, which salutes local people, regardless of race, for promoting positive relations in our community.

With the passing of Sam Johnson, the mantle of leadership is passing to a new generation of black Salisburians. Like blacks throughout the nation, they will struggle with the controversies and contradictions of our times—debating, for instance, the liberal philosophy exemplified by Thurgood Marshall against the conservatism of Clarence Thomas, the young black judge nominated to succeed Marshall.

While much of America's black community remains weighed down by poverty, there are plenty of opportunities for renewal, too—just look at Livingstone College, Salisbury's traditionally black college. The school has just freed itself of its major debt and is looking to the future.

Sam Johnson would have been proud.

#### SALUTE TO THE RENAMING OF JERSEY CITY'S HERBERT PLAZA AS MAHATMA GANDHI PLAZA AND INDIA SQUARE

### HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. GUARINI. Mr. Speaker, I would like you and my distinguished colleagues to join me in commemorating the renaming of Herbert Plaza in Jersey City as Mahatma Gandhi Plaza and India Square.

The renaming ceremony will take place in Jersey City this Sunday immediately after Indo-Americans and others from all ethnic backgrounds take part in a peace march through the community.

The Federation of Indian Associations of New Jersey and the International Mahatma Gandhi Association have held a peace march each year since the outbreak of Hindu-Sikh rioting in 1984. The aim of the march is to promote peace in India and in the newly adopted

home of many Indians—the United States of America. The promotion of peace is the noble goal of both organizations sponsoring this march and these ceremonies.

The march will be led by Jain Acharya Sushilkumarji Maharaj, a leader of the Jain religion. He will be joined by other civic, religious, and political leaders.

There will be many festivities associated with this event, including a cultural program celebrating Indian traditions and heritage.

Last August 15 during the eighth annual Indian flag raising ceremony at city hall, Jersey City Mayor Gerald McCann announced that Herbert Plaza would be renamed Mahatma Gandhi Plaza and India Square.

The renaming of the plaza is an acknowledgment of the Gandhian principles of life. It is meant to honor Mahatma Gandhi and Indira Gandhi and the values for which they stood. It is also a sign of the coming of age of the Indo-American community in Hudson County, my congressional district.

For more than a decade, Indo-Americans have settled in Hudson County. They have built a strong community, opened businesses and made invaluable contributions to the area. There are now more than 15,000 Indo-Americans in our community.

Helping Indo-Americans assimilate in their new country have been a number of Indian organizations. In recognition of this, I would like to acknowledge the board of directors of the Federation of Indian Associations: Suresh Patel, Vijay Gupta, Hardyal Singh, Kamal Aditya, Surender Zutshi, Dinesh Pandya, Suresh Shah, Kanti Patel, Mono Sen, Manoj Patel, and Dr. Jai Dyal. These leaders represent a number of cultural and political organizations that have worked diligently to help their community.

I have worked with these individuals over the years and have always valued their friendship. Their advice has provided direction to myself and for many of the leaders of our community.

I would also like to extend a special recognition to Hardyal Singh, president of the International Mahatma Gandhi Association and a commissioner of the Jersey City Human Rights Commission.

His organization has strived since 1980 to foster friendship and understanding between Asian-Indians and Americans and to promote the culture and heritage of Indo-Americans. The Group has also coordinated and presented a number of programs designed to bring about a better understanding of India—its culture, economy, and society.

Furthermore, the organization has arranged many events to salute India and world leaders such as Mahatma Gandhi, Jawaharlal Nehru, and Indira Gandhi.

The International Mahatma Gandhi Association along with the Indo-American Association of New Jersey, the India Club of New Jersey, the Garden State Bengali Association, and many others have worked to build strong ties and productive relationships with the more than 100 other ethnic groups in Hudson County. These groups make our community a better, more humane place to live.

Mr. Speaker and my distinguished colleagues, please join me acknowledging the many contributions of the Indo-American com-

munity in Hudson County and in all of New Jersey and in celebrating the new Mahatma Gandhi Plaza in Jersey City.

CELEBRATING THE GOLDEN  
JUBILEE OF FR. PATRICK PEYTON

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. HERTEL. Mr. Speaker, I rise today to pay tribute to Fr. Patrick Peyton on the occasion of the 50th anniversary of his ordination.

Fr. Peyton is renowned for his work as "The Family Prayer Priest," and has spent his half-century of priesthood encouraging families to do more than eat together. More than 40 million people around the world have heard his message that the family that prays together, stays together. His phenomenal success in his crusade has brought untold amounts of love and understanding into the lives of many people.

As a seminarian in 1939, Patrick Peyton was stricken with tuberculosis. He prayed to Mary that he might live to be a priest, and his prayer was answered. Shortly after his ordination in 1941, he was inspired to found the Family Rosary Crusade. He traveled from parish to parish, spreading his message and encouraging family prayer.

In 1945, Father Peyton made a bold move in order to spread his message more rapidly. He approached radio network executives in New York with a groundbreaking plan. The result was a special Mother's Day program aired on the Mutual Broadcasting Network. This broadcast was a great success, and led to the establishment of the Hollywood-based "Family Theater" in 1947. The weekly "Family Theater" radio series became very popular, and had the distinction of being proclaimed "America's Favorite Dramatic Radio Program" by Radio Daily in 1948, 1949, and 1950. Hundreds of top Hollywood stars appeared on these broadcasts which were aired over a national radio network for over 22 years.

Also in 1947, Father Peyton held the first diocesan-wide Family Rosary Crusade in London, ON. The Diocesan Crusade spread like wildfire across six continents, with attendance at the prayer rallies ranging from hundreds in thinly populated areas to millions in large cities. Domestic and international crusades were launched throughout the 1950's, encouraging family prayer across North America, Europe, Australia, Africa, and Southeast Asia.

Continuing his role as a frontrunner in the use of media to spread his message, Father Peyton recognized early on the power of television. As early as 1950 "Family Theater" was producing award-winning television programs. He used the print media to spread his message through books, pamphlets, brochures, and outdoor billboard art. Finally, he foresaw the need for films in apostolic work, and produced 15 dramas about the life of Christ as told by the "Mysteries of the Rosary." An integral part of the Crusades since the 1960's, the films have been shown in a multitude of venues: from parks to schools, street corners to theaters, and even on national television.

They are available in 12 languages and have been viewed by over 80 million people the world over.

Father Peyton continued his Crusades into the 1970's, again utilizing new technology to spread his message. In Hollywood he set up a satellite feed to transmit the midnight mass and message of the Holy Father to people throughout the United States and Canada.

Medical problems put Fr. Peyton on the sidelines for several years in the mid and late 1970's, but by the dawning of the 1980's he was back at work, traveling the world. He also began production of a new series of 15 television specials on the Mysteries of the Rosary. These productions included Mother Teresa of Calcutta and other celebrities who joined Father Peyton in his invitation to families to pray the Rosary together.

In 1985, a new milestone was reached. The first nationwide Family Rosary Crusade in the Philippines was held. Fr. Peyton personally traveled throughout the islands on the personal invitation of Cardinal Sin. On the final day of the Crusade, his faith and efforts paid off when 2 million people gathered at the Luneta Park rally to pray the Rosary and to hear him speak.

Fr. Peyton returned to the United States to continue work on ongoing projects—the finalization and printing of the Crusade handbook; a trilogy of new television specials to be used in conjunction with the handbook; a series of 180 meditations on the "Mysteries of the Rosary" for television and home video; and the release and worldwide distribution of Family Theater's library on video cassette.

Today, Father Peyton continues with his journey, personally meeting with bishops throughout the world to promote utilization of the handbook for multiple, simultaneous crusades. At 81, Father Peyton still has the progressive outlook and attitude that made him a pioneer in the field of religious communications. He continues to look to the future, and lift high the torch he lit 50 years ago when he first spoke his message of hope: the family that prays together stays together, and a world at prayer is a world at peace.

Mr. Speaker, please join me in congratulating this remarkable man who has not lost sight of his ideal, and who continues to promote peace and unity and the special treasure that is the family. May his message continue to touch the lives of the citizens of the world.

INTRODUCTION OF THE CANCER  
SCREENING INCENTIVES ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SHAW. Mr. Speaker, about 1.1 million Americans will be diagnosed in 1991 as having cancer, and 514,000 Americans will die of cancer this year. Of those 514,000 deaths, the American Cancer Society estimates that more than 79,000 could be prevented by early detection and appropriate treatment. Let me repeat: Nearly 80,000 deaths could be prevented by early detection.

The key, though, is to detect and treat the cancer in its early stages, and there is only one way to detect cancer—to test for it.

That's why I'm so proud to introduce the Cancer Screening Incentives Act in the House today. The bill I'm introducing along with MARY ROSE OAKAR and 25 of our House colleagues is the same as one Senator CONNIE MACK introduced in the Senate this past spring. Senator MACK's wife, as many of us know, has been diagnosed with breast cancer, and almost every American has a friend or relative who has been afflicted with cancer. That should bring home for all of us the importance of early detection.

Our bill would provide a tax credit of up to \$250 for cancer screening tests for those that don't currently have coverage for them. The costs of tests for breast, colon, rectal, prostate, uterine and ovarian cancer would be refundable. Those six cancers represent nearly half of all the cancers diagnosed this year.

Our bill begins with these six most common cancers, and then allows the Secretary of Health and Human Services to include additional cancer screening tests each year.

One of the most common questions about this approach is "What about those who don't file a tax form or can't afford to pay up front?" Our bill addresses that by giving the credit to doctors, provided they offer tests free of charge to the poor. Cancer disproportionately affects the poor, and cost alone should not prevent any American from getting these life-saving tests.

THE REPUBLIC OF CHINA ON  
TAIWAN'S NATIONAL DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. GEKAS. Mr. Speaker, October 10, 1991, marks the 80th anniversary of the Republic of China, commonly referred to as Taiwan. I am honored to have this opportunity to wish the Republic of China continued progress and success. I believe it is in America's interest to seek, wherever possible, better means of cooperation, unity, and understanding between the United States and the people of Taiwan.

My fellow colleagues, I take this opportunity to commend the leaders of the Republic of China, President Lee Teng-hui and Premier Hau Pei-tsun, for their good work and efforts in continuing to improve on the already warm relations that exist between our two countries. I am sure the Members are aware of the many similarities and common interests shared between our two countries.

Mr. Speaker, this body must recognize our country's role as a moral leader for the people of Taiwan. We must never underestimate how inspiring the liberties of democracy are to the hearts of so many. I urge my fellow colleagues to join with me in celebrating 80 years of peaceful relations with our ally in the Western Pacific. It is my wish that this strong and stable relationship continue with the people and Government of the Republic of China for an additional 80 years.

TRIBUTE TO THE WAKEFIELD  
CIVILIAN PATROL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. ENGEL. Mr. Speaker, 15 years ago today, a small group of concerned citizens in the north Bronx formed the Wakefield Civilian Patrol in order to demonstrate their civic pride.

For a decade-and-a-half, neighborhood people have volunteered their time to walk the streets and take an active role in promoting law and order in the community. I rise today to mark the Patrol's 15th anniversary and to congratulate and thank all the people who have contributed to its success over the years.

It is easy to talk about civic pride, but the real test comes when people must step forward and participate in activities that protect and enhance our quality of life. The Wakefield Taxpayers and Civic League, which runs the civilian patrol, has consistently backed up its words with actions. As a result, the Wakefield community has benefited from the positive communication fostered among residents, elected and law enforcement officials, the clergy, and community leaders.

Our Nation has always drawn its strength from local, grassroots organizations. The Wakefield Taxpayers and Civic League, through its civilian patrol and many other activities, exemplifies the finest in community activism.

DUTCH REFORMED CHURCH OF  
CLAVERACK, NY, REFLECTS CO-  
LONIAL HISTORY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SOLOMON. Mr. Speaker, the 24th Congressional District of New York is rich in colonial history. Much of that colonial history is Dutch, and much of it is enshrined in the Dutch Reformed Church in Claverack.

The church was founded in 1716, a mere 275 years after New Amsterdam became New York. The influence of the hardy Dutch settlers who settled in the area survives in many place names.

Many interesting anecdotes from that history were included in an excellent feature recently published in the Albany Times-Union. I proudly place the article in today's RECORD.

[From the Albany Times-Union, Sept. 29, 1991]

DUTCH CHURCH PAYS TRIBUTE TO RICH PAST—  
FIRST CONGREGATION FORMED IN CLAVERACK  
275 YEARS AGO

(By Patrick Kurp)

CLAVERACK.—While cleaning the balconies in his church a couple of years ago, the Rev. David G. Corlett found graffiti carved into one of the straight-back, wooden pews.

Not sexual boasts, rock 'n' roll slogans or even hearts-and-initials, the sentiments read like sadly fleeting messages from another century, probably left by students at nearby Washington Seminary, closed some 70 years

ago (most famous alumnus: Martin Van Buren, eighth president of the United States).

"They said things like 'Class of '87,' only it was 1887. That was back in the days when college kids went to church. They must have been bored stiff," said Corlett, pastor of the Reformed Dutch Church of Claverack, this year celebrating its 275th anniversary.

By American standards, Corlett's church might as well date from the Ice Age.

Its founding came just 52 years after New Netherland became New York, and its founders bore names like Van Driessen, Frynemoet and Ten Broeck.

In a history of the church published in 1967, the late John Coulbourn described these early congregants as "sturdy Hollanders who brought to these shores certain background characteristics, including a determined purpose to live a thrifty and prosperous life through farming."

The spiritual descendants of these "sturdy Hollanders" will culminate a year of observances Nov. 23-24, with a bazaar and memorial service led by the Rev. Edwin Mulder, general secretary of the Dutch Reformed Church.

Theologically, the church descends, like its Scottish cousin the Presbyterian Church, from John Calvin, the 16th-century French advocate for early Protestantism. Despite its name, the church is no longer exclusively, or even predominantly, Dutch.

"Even around town people ask: 'Are your services in Dutch?'" said Corlett, 43, most of whose ancestors come from the Netherlands.

Today, the Dutch Reformed Church has almost 250,000 members in the United States. While Corlett's congregation has a "total baptized membership" of 650, an average Sunday service attracts about 140 worshippers.

In 1716, according to Coulbourn's history, the citizens of Claverack "constituted themselves into a Reformed Church for the exercise of their religion according to the doctrines and usages of the Reformed Churches in Holland and Germany."

For their first 10 years, the Claverack congregation worshipped in homes, not building their first church until 1726. A drawing of the old church shows the women and children sat in conventional rows of pews, while the men surrounded them on long, U-shaped seats.

"The idea was they were being protective, looking out for attacks," Corlett said.

The present church building, completed in 1767, was built on land deeded to the congregation by John Van Rensselaer of the Manor of Rensselaerwyck. The oldest public building in Columbia County, its red brick walls and typically Dutch gambrel roof give it a sturdy, slightly European appearance.

The church's first full-time pastor took over, in a memorable coincidence, on July 4, 1776, and the Rev. John Gabriel Gebhard went on to preach sermons sympathetic to the Revolution.

"Half the congregation walked out," Corlett said.

Gebhard, a German native, remained pastor until his death in 1826. On the wall next to his altar hangs a plaque commemorating Gebhard as "A dignified and courteous gentleman; a learned and accurate scholar; an affectionate and beloved pastor."

A prized church heirloom is the silver communion cup fashioned in 1765 by a New York City silversmith, Pieter De Riemer. On it is etched a clover leaf (a reference to *klauber rachen*, later Claverack, meaning "clover field") and, in Latin, Psalm 51:17: "The sacrifices of God are a broken spirit: A broken

and contrite heart, O God, thou wilt not despise."

A teenage boy stole the cup in the 1970's, flattened it with a hammer, sold it as scrap for \$70, and used the money to buy pizza and beer for his friends. State Police recovered the cup, which has been restored to usable condition.

By the 1940s, beams in the church ceiling had rotted so severely that the slate roof sagged, causing the county to condemn the building.

"The old-timers tell us they came very close to abandoning the church," Corlett said: Soon after, the building was repaired.

Church property, once totaling 130 acres, has been reduced to about eight acres. Much of it is cemetery, with the earliest dating from 1793.

Buried here are Colin Hamilton Livingstone, the first Boy Scout leader in the United States, and Harriet Livingston Fulton Dale, the widow of steamboat inventor Robert Fulton, as well as about a dozen slaves.

Near the church driveway stands the stone of Andrew W. Heermance: dead in 1854 at the age of 29. His epitaph reads:

"Mourn not, my wife and children dear.

I am not dead but sleeping here.

My debt is paid, my grave you see.

Prepare for death and follow me."

Harriet Egan, 80, was born in Chicago, settled in Claverack with her husband in 1936, and joined the church on June 4, 1943. One of the first church stories she remembers hearing concerned the legend that Colonial soldiers on the march to Saratoga slept on pews in the Dutch Reformed Church of Claverack.

Cautiously, Corlett dismissed the tale as apocryphal: "Mostly, historians pooh-pooh it."

Egan, perhaps with the wisdom of age, said. "Oh, it's a good story."

TRIBUTE TO MR. GORDON  
SCHABER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. FAZIO. Mr. Speaker, I rise to day to honor Mr. Gordon Schaber, the founding Dean of the McGeorge School of Law. After 34 years at McGeorge, Dean Schaber will continue his career as distinguished professor of law and counsel at the University of the Pacific. In light of his present status, and past achievements, Dean Schaber is richly deserving of the high esteem in which he is held by his colleagues, as well as all of us who have come to know him throughout his truly remarkable career.

Dean Schaber's career in legal education began in 1957 when Annabelle McGeorge asked him to come to McGeorge College to serve as both dean and instructor. There, he found a handful of students enrolled at a facility housed in two rented rooms above a saloon. From these modest beginnings, McGeorge School of Law has come to enjoy an international reputation for advancing legal education by effectively incorporating state of the art technology into the traditional academic curriculum and teaching facilities. As dean, he played a central role in the growth and development of McGeorge. The results of Dean Schaber's vision and leadership are evident by

the recognition McGeorge receives as one of the leading institutions in legal education.

During Dean Schaber's tenure, McGeorge has prepared over 7,000 graduates from all 50 States, and numerous foreign countries, to successfully serve society through the practice of law. While Dean Schaber may not wish to attribute the success of McGeorge to his own efforts, he has left an indelible mark upon the school and deservedly warrants the admiration of us all.

Mr. Speaker, it is with great pleasure that I recount for you Dean Schaber's accomplishments at McGeorge, but the success he has enjoyed through his career reaches far beyond academia. Throughout his distinguished professional career, Dean Schaber has continually been recognized by his peers as well as the community for his many accomplishments and contributions. Some of the distinguished accolades that he has received include: The Sacramento Chamber of Commerce's "1962 Young Man of the Year;" the California Trial Lawyers Association's "1969 Outstanding Trial Judge of the Year;" and, more recently, the Sacramento Bar Association's "1990 Humanitarian of the Year."

The respect we have for Dean Schaber as an educator is only surpassed by our admiration of his contributions in public service. Dean Schaber's dedication to the community includes his work as: Member and past chairman of the Sacramento City Planning Commission, member of the State of California Continuing Education Advisory Committee; member of the State Board of Control; and, chairman of the Greater Sacramento Plan Committee. While these offices are but a few of the many Dean Schaber has held throughout his career, they represent his ongoing commitment to the community through the practice, teaching, and advancement of law.

I applaud the efforts and accomplishments of Dean Schaber, knowing well that his pursuit to better legal education has left a tradition of innovation and leadership. Having played a leading role in developing the respected and successful McGeorge School of Law, I am certain Dean Schaber can look upon his tenure with a great deal of pride and satisfaction. However, I am confident Dean Schaber's impressive record of success will not stop here. In his new position as distinguished professor of law and counsel, I know he will continue his impressive record of success which he has enjoyed throughout his career. I hope my congressional colleagues will join me today in congratulating Dean Schaber on his many achievements and in wishing him the best luck in all his future endeavors.

#### MEMORIAL TO L.C. EVANS

### HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. HEFNER. Mr. Speaker, Concord, NC in my district lost one of its finest citizens on August 30.

Lawrence Calvin Evans, or L.C. as he was known to everyone, was born in Lula, MS on February 22, 1912, and moved to Concord

with his family in 1927. He completed his elementary and high school education there and then went on to Hampton Institute in Hampton, VA and Livingstone College in Salisbury, NC where he earned a bachelor of science degree.

L.C. devoted his adult life to both his country and his community. He was a sergeant in the U.S. Army, and later became a very active member of Harold Goodman American Legion Post No. 172, where he served as post commander. He was a member of the Cabarrus County Human Relations Commission and the Mayor's Blue Ribbon Committee, and served as director of recreation for the Logan community. He was a 33d Degree Mason, a member of Omega Psi Phi Fraternity, and a devoted member of the Zion Hill AME Zion Church. L.C. Evans was also the city of Concord's first black police officer, and he retired from that department after 20 years of distinguished service.

L.C. was active politically, as a precinct chairman and register in the voter registration effort. He had one simple rule about politics: if you were for people, then he was for you.

Mr. Speaker, L.C. Evans was one of the finest citizens and kindest men I have ever known, and it was an honor for me to be asked to speak at his funeral. I rise today to again pay tribute to him and to express my deepest sympathies to his family. For, sadly, they have had another recent loss to have to bear. L.C.'s daughter Kathy Patton, a 39-year-old school teacher who had shared her father's devotion to public service and had followed in his footsteps, passed away suddenly on August 13.

Mr. Speaker, our hearts go out to this family, and we pray that the legacy of selfless commitment to people that L.C. and Kathy have left behind will help comfort them in their grief.

#### RECOGNIZE THE INDEPENDENCE OF UKRAINE

### HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. HERTEL. Mr. Speaker, today I am introducing with Mr. RITTER a resolution urging President Bush to move forward for democracy and recognize the independence of Ukraine.

President Bush now has a unique opportunity to begin leading the charge in the free world for democracy and freedom, rather than let our Nation continue to be a nation of followers. We sat on our hands while the free world extended recognition to the Baltic States.

The United States came late to the realization that the community of nations was looking to us for leadership. We again have the opportunity to speak for freedom and democracy as the leader of the free nations of the world. The United States should not miss this opportunity a second time.

This past August 24, the democratically elected parliament of Ukraine declared their independence and the creation of an inde-

pendent democratic state. Two months from today, this new state—Ukraine—will hold a referendum to ask its people to affirm their own independence. What more can our government ask for, I can't imagine. Ukraine has stated its preference for independence and democracy, recognized its role in the world as a multicultural nation, and called for a vote of its people to confirm the government's actions.

What better case can be made for recognizing Ukraine's independence?

There are several steps we can take short of full diplomatic recognition should the Bush administration continue to lag behind the rest of the world in its support for freedom and democracy.

First and foremost, we can establish a permanent trade mission in Kiev. This would be one way in which we can establish a presence in Ukraine, independent of our consulate to the U.S.S.R. in Kiev.

We can make Ukraine eligible for assistance through the Peace Corps, and allow Ukrainian-Americans the opportunity to help their homeland.

We can grant most-favored-nation trading status to Ukraine. As we all know, Ukraine already has a permanent representative to the United Nations and votes as an independent nation in that organization.

We can provide some limited direct assistance directly to Ukraine, such as sending powdered milk which they badly need right now. The mechanism for distributing of this aid is already in place through Project HOPE here in the United States and through the Children of Chernobyl in Ukraine.

In short, there are many things that we could be doing to help foster democracy in Ukraine at this critical point in their history. Yet the Bush administration has chosen to do nothing except sit and wait while the rest of the free world leads the charge for democracy.

Why the largest, most wealthy, most powerful, and most successful democracy on the face of the earth does nothing while the freedom loving Ukrainian people struggle is a mystery to me.

We can give so much help to the people of Ukraine if we only take a few, little, inexpensive steps in the right direction. By doing nothing for this former captive nation now on the verge of freedom, this administration should be embarrassed.

#### DONALD L. CLARK WAS CLOSE FRIEND AND RESPECTED MEM- BER OF COMMUNITY

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SOLOMON. Mr. Speaker, last September 24 I lost a close friend, and South Glens Falls, NY, lost one of its finest sons.

Donald L. Clark owned and operated Clark Funeral Home since 1947. He has been a close friend of mine almost that long, and I would like to tell you why.

Mr. Clark spent his entire adult life in the funeral business, except for a few years of serv-

ice with the U.S. Army during World War II. He was also Saratoga County coroner for 20 years.

He was highly respected in his profession. But he still found time to be a pillar of his community. I always enjoyed his company at meetings of the Glens Falls Lodge 121, Free and Accepted Masons. He was also a charter member of the South Glens Falls Rotary Club, and a member of the Moosewood Hunting Club of Saratoga and South Glens Falls, South Glens Falls American Legion Post 553, Saratoga County Republican Club, and the Oriental Temple Shrine of Troy.

Mr. Speaker, I would ask you and other Members to join me in expressing our condolences to his wife Dorothy, his daughters Sylvia Kelly, Sharon Clark, and Marjorie Clark, sons Richard and D. Lloyd, and other family members.

Don Clark was an enthusiastic sportsman, a community leader, a businessman of unblemished integrity, and, most of all, a dear friend. I speak for many people when I say I will miss him.

## THE LESSONS OF DESERT STORM

### HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SUNDQUIST. Mr. Speaker, as we continue to debate what lessons can be learned by the success of Operation Desert Storm, I want to share with my colleagues the thoughtful observations of a friend and constituent, Brig. Gen. Wendell H. Gilbert, U.S. Army, retired.

Writing for the Army, he makes the compelling point that the United States cannot afford to rest on its laurels. I recommend his article to each of my colleagues, indeed, to all who have an interest in how we go about restructuring our military in the 1990's.

I ask that General Gilbert's piece be reprinted in its entirety in the CONGRESSIONAL RECORD:

#### BUILDING UPON A VICTORY: NOW IS NOT THE TIME TO REST

After completing a successful military operation and enjoying the feelings of accomplishment and pride, the United States needs to get back on the training schedule. We are pleased with the superb performance of our military personnel during Operation Desert Storm and are optimistic about the prospects for peace in the Middle East.

Once again, we have proven what a magnanimous, caring and generous nation we are. I cite the example of the young American soldier who shared his own combat rations with starving Iraqi prisoners in the desert. In stark contrast is the action of Iraqi commanders, who jumped into private vehicles in an effort to escape the battlefield, leaving their troops alone in the field without leadership—an action appalling to any American officer.

As we get back on the training schedule, we should remember what was going on in Washington just a short time ago—wholesale efforts to pounce on the so-called peace dividend, spend it on other priorities and, at the same time, virtually dismantle our defense establishment.

There was a plan that would diminish our Army to less than half the size of Saddam Hussein's army. Some used the argument of the dangerous budget deficit, which is valid. Much of the peace dividend, however, was not going to be spent to reduce the budget; it was going to be used for more spending. Even with the vivid evidence of the continuing dangers throughout our world, we can expect more cuts; thus, we must be even more prudent in spending defense dollars.

What did our planners learn as a result of Operation Desert Storm? How should our plans be reshaped to ensure a safe future for our nation? The first thought that comes to mind is that the volunteer Army concept is a success.

I was at the Pentagon when this concept was born, and I remember many trips to Capitol Hill by former Army Secretary Howard H. Callaway as he tried to gain support for this concept as well as the necessary funding. No matter how closely you look at the volunteer Army concept, there is no refuting the wisdom of it.

Our nation has developed a superb volunteer military force. As this volunteer force evolved, there was a debate over how much effort should be spent toward producing truly high-tech equipment for our soldiers as opposed to some of the crude and rudimentary equipment provided to soldiers in other armies. We correctly decided that we had an obligation to put in the hands of our military personnel the best, the most capable and advanced equipment that we could find. The wisdom of this decision was vividly demonstrated on the Desert Storm battlefield.

A liability, however, that is almost as vividly demonstrated is our vulnerability in terms of lift capacity. Six months would have been infinitely too long to deliver forces to the European battlefield under our previous cold war scenario.

Reflecting on World War II and the battle of Britain and then looking at Desert Storm, we again see the importance of air power—air power with high-tech capabilities. An enemy in the desert is not sheltered from air power as was the case in Vietnam. We found that we were able to shift our emphasis to the Middle East and use a force that had been tailored for the land battle in Europe. Up until this point, all our critical strategic decisions were made with the European land battle in mind.

It may well be time to change that emphasis and focus. In "A Better Place in Which to Serve and to Live" ("Front & Center"), in the December 1987 issue of "Army", I suggested putting troops in the critical Middle East region. A careful study of this question is still required. If there are no new and compelling energy policy shifts at the national level, then it would make this emphasis on the Middle East even more important.

As an old airborne soldier, I hesitate to make the next point. We have long been aware that a parachute-delivered division, however capable, is vulnerable to enemy armor on the battlefield unless it fights along with friendly tanks. It may be time to take a look at the 82nd Airborne Division and see if it should continue to be our most highly mobile, highest priority division in the force structure.

I question this because I recall during the crisis in Jordan in 1970 when I was commanding an airborne battalion in the 8th Infantry Division, our initial mission for parachute assault was to take the airfield. Once the airfield was taken, the rest of our division would be air landed. In fact, the mission to

take this airfield only required one battalion.

I wonder if a division structured with one brigade of parachute infantry and with the rest of the division made up of some other mix might not be more appropriate. This thought comes to mind because of the truly superb performance of the 101st Airborne Division (Air Assault) in the desert—an airborne division by tradition, but a division that no longer goes to combat with parachutes. Perhaps an airborne/air assault division with one brigade of airborne and two brigades of air assault troops and a heavy component of helicopters, both tank-killer and lift helicopters would be an answer. To go with this idea, we need to develop a new light, ground mobile tank killer, something light years ahead of the TOW.

I know battleships played a role, but let's go ahead and mothball them forever. It seems apparent that our Navy priority has to be in terms of carriers and sealift that can deliver heavy forces. Operation Desert Storm strongly reinforces Army Chief of Staff Gen. Carl E. Vuono's constant theme that we will not have a hollow Army. If necessary, we will cut our budget, but we will not allow soldiers to be without the necessary funds for training and equipment. A smaller Army is okay as long as it is a ready Army.

What should our focus be in the years ahead? Clearly, if there is not a substantial shift in our nation's energy policy, we have no option but to continue to focus on the Middle East. I think all our major military decisions need to be made in that context. We must continue to fight for our share of the budget and to insist that whatever force we are allowed to have is a quality force that is superbly trained and equipped.

We must solve the lift problem. As we become less and less involved overseas and have a substantial reduction in overseas stationing, we must develop the ability to deliver forces to an area where our national interest is at stake. We must continue and perhaps even accelerate our efforts to ensure that all new technologies are examined and that we maximize their use in military application. We must hope that pork barrel political considerations do not prevent our selection of the best technology available.

The total force has been a resounding success. Reserve components (RC) personnel shouldered much of the Operation Desert Storm burden. Increased reliance on reserve components may be appropriate, especially in the logistics area. Even with RC help, however, we still have a weakness in numbers of available medical personnel. Our plan calls for the use of VA (Department of Veterans Affairs) hospitals, but we reduced their already overloaded capability by activating many of their reserve components medical personnel.

We in the Army must do a better job of telling our own story. We need to take the offensive in the media and do our part within constitutional constraints to let the American people know what kind of Army we have, how well it is equipped, what we need and what we can and cannot do. Now is the time to do this.

Knowledgeable analysts must be encouraged to pick apart the lessons of Operation Desert Storm so that wise decisions can be made relative to our future. Perhaps this year's Army War College class could set aside some time to dissect this operation, invite commanders who were in the field and find out what worked and what did not and let this information be spread throughout the Army. I know that readers of ARMY share

my immense pride in Operation Desert Storm: the leadership, the splendid performance of our troops and the success of our technology. Now is not the time, however, to rest on our laurels. We must press on, for another bugle call is sure to sound.

#### TRIBUTE TO MILES DAVIS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. COSTELLO. Mr. Speaker, I rise today in tribute to a great jazz trumpeter and man whose music exhilarated millions of jazz lovers around the world. Miles Davis died at the age of 65 on Saturday, September 28 in Santa Monica, CA. Davis passed on after being plagued by illness for many years of his life.

I would like my colleagues to know that Miles Dewey Davis III was born in my congressional district, in Alton, IL on May 25, 1926. He grew up and learned to love jazz in East St. Louis, IL. He later left southwestern Illinois and moved to New York to attend the Julliard School to study classical music.

He played his trumpet with many well-known jazz heroes during his life. Dizzy Gillespie and Charlie Parker influenced him in his early career. Davis also brought Tony Williams, Herbie Hancock, John Coltrane and other now-legendary jazz musicians with him into the world of famous jazz players.

Miles Davis won recognition throughout his career for his innovative style of jazz. He played cool jazz, hard bop, modal playing, free-form explorations and electronics. Although many times he played ahead of his audience, he continued to trumpet what he wished, his own standard of independence and artistic style.

He wrote in his 1989 biography, "To be and stay a great musician you've got to always be open to what's new, what's happening at the moment." Please join me today as I call tribute to Miles Davis, the imaginative and creative jazz great whose death will only make stronger the desire by jazz lovers to admire and experience his music.

#### HONORING ALAMEDA COUNTY HEALTH CARE FOR THE HOMELESS PROGRAM

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. STARK. Mr. Speaker, I rise today to recognize the Alameda County Health Care for the Homeless Program. The program's mobile health services unit recently received the Intensive Care for Our Neighbor [ICON] Award for excellence and innovation in providing extraordinary health care for the homeless. The Alameda County Health Care for the Homeless Program was selected from over 60 nationwide finalists. The award of \$82,500 was presented to Health Care Services Agency Director David Kears by St. Joseph Health System on September 11.

The program's mobile health service unit is a van equipped with an examining room, a laboratory, restroom, and a waiting area. It is staffed by a family nurse practitioner, public health nurse, community health worker and mental health specialist. Directed by Barbara Cowan, this crew serves 3,000 people a year by traveling to those areas frequented by the homeless. The staff are compassionate individuals who are dedicated to ensuring indigent people access to health care.

Many homeless individuals who do not qualify for medical insurance or who do not trust free clinics or emergency rooms, find the van a place where they can turn. Those who could not otherwise obtain aid find that the van brings help to them. Besides treating patients with primary care, the van also provides health education and refers people with more serious problems to clinics affiliated with the Homeless Health Care Program. Other exceptional services have been initiated by the program, such as alcohol and drug recovery services, assistance with employment, housing, and financial benefits and information and referral.

Mr. Speaker, I would like to take this opportunity to congratulate the Alameda County Health Care for the Homeless Program for its outstanding service to Alameda County. The program's mobile unit delivers a tremendous service to the impoverished and deserves to be commended for its efforts.

#### INTRODUCTION OF LEGISLATION REAUTHORIZING THE NURSING EDUCATION ACT

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce legislation reauthorizing title 8 governing nursing education, of the Public Health Service Act.

Despite the administration's apparent assertion to the contrary, as evidenced by their zero funding recommendation for nursing education in the fiscal year 1992 budget, there is a serious and sustained nursing shortage which is only rivaled by the nursing shortage of the 1950's. The nursing shortage of the fifties lasted 5 years while our more modern shortage began in 1986 and shows no signs of letting up. Recent reports on the nursing profession by the American Nurses Association indicate that one of every eight registered nurse positions in hospitals goes unfilled. The scenario is even worse in nursing homes where one in every five RN positions goes unfilled.

Who is hurt most by the ongoing nursing shortage? Precisely those who can least afford it, the medically underserved populations residing in frontier, rural, and inner-city areas of our Nation. The health of our citizens living in frontier and rural underserved areas continues to decline. People living in rural areas continue to be in poorer health, travel farther for health care, report chronic and serious illness more frequently, and are more likely to die from injury than their urban counterparts. Right now, over 1,300 rural areas have been designated as medically underserved. To meet

the demand for health care in these areas alone would require 4,224 physicians.

I am confident the revitalized National Health Service Corps legislation I sponsored and passed last year with the help of my colleagues on the Health and Environment Subcommittee will substantially increase the number of physicians serving in shortage areas. However, the problem remains that physicians will have a difficult time maintaining viable practices in shortage areas beyond their required service time. This, combined with the aging of the existing rural physician population necessitates that we look elsewhere to meet the needs of medically underserved populations.

Nurses have always responded to the needs and concerns of our poorest citizens and I believe we must again turn to the nursing profession to respond to the Nation's rural and inner city health care crisis. The legislation I am introducing today will do just that. My legislation focuses our limited health care resources on training and educating those nursing professionals—nurse practitioners, nurse midwives, nurse anesthetists, and clinical nurse specialists—best equipped to meet the health care needs of underserved areas.

I believe our money will be well spent. The advanced training of nurse specialists and nurse practitioners allows them to provide up to 80 percent of adult primary care services and up to 90 percent of the pediatric primary care services usually performed by a physician. Additionally, it has been found that nurse practitioners serving in outpatient medical clinics can reduce hospital stays for their patients by 50 percent.

Nurse midwives have traditionally and continue to direct their services toward women most at risk for developing health care problems because of inadequate access to child bearing and health care services. A trained nurse midwife can provide a comprehensive package of preventive prenatal care and education to a pregnant woman for as little as \$600. Compare this to the thousands that will be spent on intensive care, hospitalization, and rehabilitative services for low birthweight babies at risk for being developmentally disabled.

Finally, certified registered nurse anesthetists [CRNAS] play a unique role in the provision of health care in rural areas. CRNAS are the sole anesthesia providers in 85 percent of rural hospitals, enabling these facilities to provide obstetrical, surgical, and trauma stabilization services that they would otherwise be unable to provide.

In short, nurse practitioners, nurse specialists, nurse midwives, and nurse anesthetists provide high quality, cost effective care and provide millions of Americans with access to health care they would otherwise not receive. I ask my colleagues strong support of this legislation.

**THE PRESIDENT OF SRI LANKA  
SUSPENDS THE DEMOCRATICALLY  
ELECTED PARLIAMENT**

**HON. HARRIS W. FAWELL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. FAWELL. Mr. Speaker, it is with great dismay that I learned that the President of Sri Lanka suspended the democratically elected Parliament on August 30, 1991. However, I was pleased to hear that the Parliament reconvened on September 24, 1991. The President's decision to suspend the Parliament was reportedly made after the Speaker of the Parliament received an impeachment motion signed by 133 members from both the Government ruling party and the opposition. I further understand that the Hon. Mr. Lalith Athulathmudali, the Minister of Education and Higher Education and former Minister of National Security, resigned with Hon. Mr. G.M. Premachandra, the Minister of Labor, in sympathy with the peaceful movement to reestablish democracy in Sri Lanka. I am told that the impeachment motion charged the President with running a police state, tapping telephone lines of political opponents, abusing the Executive power and using money for personal affairs, downgrading intellectuals and mounting a coverup over the killing of Richard DeSoysa, a well-known local journalist. If this is true, it would indeed be unfortunate.

I have been a sincere supporter of the people of Sri Lanka during its recent difficult period relating to the separatist movement. Together with many of my colleagues in Congress, I felt that Sri Lanka could overcome its difficulties and emerge as a vibrant democracy in Asia. However, several reports by various human rights organizations have expressed concern regarding Sri Lanka's record on human rights. In such times, it is very encouraging to learn now that some members of the Sri Lankan Parliament have taken the step to reestablish parliamentary democracy in Sri Lanka and address the broad issue of human rights for all the people of Sri Lanka. I hope this endeavor will be a turning point in Sri Lanka's history, and that someday it will have an immense impact on the newly formed democracies of Eastern Europe and the Soviet Union, which are trying to redefine their political destiny through parliamentary democracy.

Recent events in Communist countries have shown that there can be no genuine stability and prosperity in any system not based on democracy and respect for fundamental human rights. I shall follow the political events in Sri Lanka and hope that the culmination of these events will lead to peace and prosperity with democracy for all its people.

**CHINA'S ILLEGAL IMPORT  
ACTIVITIES**

**HON. RICHARD RAY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. RAY. Mr. Speaker, several days ago, U.S. Customs agents raided 23 businesses in

Los Angeles and New York. More than \$3 billion in goods and money were seized from these companies.

The seizure resulted from suspicions that Chinese factories have been evading United States textile quotas by shipping clothing made in China through other countries. The China goods then enter the United States with false labels from Lebanon, Honduras, Panama, or Hong Kong.

This illegal, and immoral practice is contributing to the demise of the U.S. textile industry. Last year, our trade deficit with China was over \$10 billion. The deficit is getting worse, United States exports are shrinking, and Chinese imports are growing. Last year textile goods accounted for one fourth of China's \$62.1 billion in exports to the United States.

Open and fair trade is fine, but this sort of underhanded violation of trade law is absolutely unacceptable. I commend the U.S. Customs Service for its aggressive stance on this illegal activity.

China has intimidated its people, threatened the economic future of American businesses unless it received most-favored-nation status, and, all the while, has undermined what could be an extremely favorable trade relationship by illegal activities such as these.

I urge my fellow colleagues to follow the events in this area closely. This is a serious violation of trade rules, and I do not believe we have heard the end of it yet.

**RESOLUTION INTRODUCED TO  
REDUCE THE DEFENSE BUDGET**

**HON. CHARLES LUKEN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. LUKEN. Mr. Speaker, the President announced major weapons reductions last Friday night. In his speech he named at least half a dozen different weapons systems that will be affected by the reductions. On Saturday Defense Secretary Cheney said that there will clearly be savings as a result of having canceled these programs.

Secretary Cheney estimated that canceling the rail garrison for the MX missiles will save \$6.8 billion over the life of the program. Canceling the mobile portion of the small ICBM Program will save over \$11 billion. Canceling the short-range attack missile, SRAM II, will save \$2.2 billion. And this is just the beginning.

Mr. Speaker, I have heard suggestions in this House that we break the budget agreement of last year and use the savings from the Defense Program to increase spending in other sections of the budget. I do not agree with this view.

I rise today to introduce a resolution that calls on both Congress and the administration to reduce the defense budget in this post cold war era and to use any and all savings to reduce the Federal deficit.

Mr. Speaker, we have an obligation to the taxpayers and the children of this Nation to stop this compulsive spending and to make real efforts toward paying off our Federal budget deficit that will be at least \$362 billion in fiscal year 1992.

My colleagues, we have mortgaged our future for generations to come. We are now obligated to use this unique opportunity to begin paying off our debts. I urge you to support this resolution.

**OLD GROWTH FORESTS**

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. MILLER of California. Mr. Speaker, the Interior Committee has been considering legislation which would provide protection for old growth forests in Washington, Oregon, and California and which would ease the impacts this legislation might have on workers and communities in the affected areas.

This issue is one of the most complex I have encountered during my tenure in Congress. It is also one of the most important issues pending before this Congress.

In our deliberations, we have been fortunate enough to have the benefit of the excellent work done by the Scientific Panel on Late Successional Forest Ecosystems. This panel was convened at the request of my friend and colleague Chairman DE LA GARZA. I would like to compliment the chairman and his colleagues on the House Agriculture Committee for convening this panel of prestigious scientists and commissioning the study.

The Science Panel report is one of the best—and most objective—documents I have seen to help us understand the ramifications of our decisions. It is also a report that gives us a clear—and grim—picture of the present condition of the forests in Washington, Oregon, and northern California. It is clear to me that these forests have suffered from a decade of "single-use management." And, that single-use has been the production of timber. The Science Panel report and analysis of the available timber supply in these forests clearly demonstrates that we cannot continue with "business as usual." It also sets forth a range of policy options for us to consider as we attempt to reverse the decline of these great forests.

We have also been fortunate to have before us a number of bills which provide us with a wide array of options about how best to proceed. We are giving careful consideration to these bills.

The most recent bill, introduced on September 26 by my good friend and colleague, Congressman JIM McDERMOTT, is an important contribution to this critical debate. The bill contains provisions to assist workers, communities, mills and businesses which will be affected by reduced timber cut levels. It establishes Ecosystem Natural Areas, consisting of significant old growth forest areas, in Washington, Oregon, and California. It also provides critical protection for salmon habitat and watershed areas. It takes an ecosystem approach toward resolving the problems in this area. This sort of approach should go a long way toward restoring the overall health of the forests and toward preventing future crises.

I am looking forward to working closely with Mr. McDERMOTT, my colleagues on the com-

mittee, and with the Agriculture Committee to put together legislation to resolve the crisis in the forests in these three States.

## NEWAYGO HIGH SCHOOL GAINS NATIONWIDE AND STATE ACCLAIM

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. VANDER JAGT. Mr. Speaker, too often today the papers are filled with stories of failure, of folks who just do not measure up. We in Washington deal every day with Government programs designed to help solve problems—to compensate. Only very occasionally do we see and read stories of achievement, of individual and group efforts which succeed, indeed, which excel. Too often such stories get lost in the drumbeat of failure.

Well, I do not want that to happen to the stories of the success of the Newaygo High School. In 1991 Newaygo High School, in our Ninth Congressional District of Michigan, received not only the State of Michigan's "Exemplary High School" Award, it received the U.S. Department of Education's 1990-1991 Blue Ribbon National Exemplary Secondary Schools Award. These awards place Newaygo High School in the top 15 secondary schools in the State of Michigan, and among the top 222 public and private high schools in the Nation. And that is very special indeed.

In Washington just a few days ago, Newaygo School Board Member Donald Terrill, Principal Ed Grodus, and Teacher/Counselor Mike Pumford participated in an awards ceremony conducted by President George Bush and First Lady Barbara Bush, and including U.S. Secretary of Education Lamar Alexander. But this recognition extends to the entire Newaygo High School community: to the citizens who provide the local support for their schools, to all of the administrators and teachers who provide such a sound educational environment, to the parents who foster an atmosphere of learning in the home, and, of course, to students who accept the challenge and who measure up. This is an award for all—it is richly deserved and we know that it is not just a picture of this moment.

These are awards which reflect the striving of the past, and the promise of the future. Newaygo High School and the entire community will continue to pursue excellence. The recognition which they have achieved are part of a continuing, growing, effort. But we are thrilled to be able to take a moment today to focus on these achievements. The story of the Newaygo awards, both at the State and national level, is told in two articles from the *Fremont Times Indicator*. I am pleased to bring these articles to the attention of my colleagues and hope that they will join me in a well-deserved congratulations:

NEWAYGO HIGH SCHOOL NAMED ONE OF  
STATE'S 15 EXEMPLARY SCHOOLS

(By Richard C. Wheeler, Sr.)

Newaygo High School principal Ed Grodus is calling it "the State Championship of Schools."

Michigan Department of Education officials designated Newaygo High School as an "Exemplary School." Newaygo was one of 15 state secondary schools to be honored with the designation and was one of eight high schools honored.

For Grodus, whose office is decorated with reminders of the NHS girls basketball team's back-to-back state titles, the coveted "Exemplary School" designation generates familiar feelings.

"We're ordering a banner for the high school gym," Grodus said. "We've been hearing from people all over the state, congratulating us on our achievement. The whole school has been celebrating."

The exemplary school program, conducted by the state education department, started six years ago, with the honors alternating between elementary and secondary schools each year. Newaygo High School applied for the designation twice before and Grodus said that he was told that Newaygo came close both times, but just did not measure up to the qualifications.

This time, with new school and program improvements joining a solid record of community support, Newaygo was chosen as one of the elite 15.

The 15 honored schools were selected from 40 schools which submitted applications. All of the state's secondary schools were eligible to apply. Final selection was made by a review panel following visits to 17 finalist schools.

Newaygo High School and the other 14 Exemplary Schools will be formally honored at a ceremony in Lansing on Tuesday, Feb. 5. In addition, Newaygo has been nominated to the United States Department of Education Secondary School Recognition Program in Washington, D.C. The announcement of schools selected for national recognition will be made in late May.

High School counselor Mike Pumford authored the school's application document, which included detailed information on just about every facet of the school's work and mission. Pumford first produced a 105-page draft and then boiled that down to the final 35-page application.

"We've always felt that we had a good school," Pumford said. "We looked at the lists and decided that we are as good as any of those schools."

According to Pumford, the school's success can be traced to two major elements: partnerships and leadership.

"The number one thing is the partnerships we've formed," Pumford said, noting the crucial roles played by the Newaygo Intermediate School District, the Newaygo County Area Vocational Center, other area school systems, parents, service organizations, businesses and The Fremont Area Foundation.

Pumford observed that Newaygo High School's award is simply a reflection on the county's overall educational strength.

"We believe that all of Newaygo County has a good, solid educational system," he said. "This isn't an honor just for Newaygo."

Leadership, Pumford explained, starts with a school board willing to let staff members try innovative ideas. Pumford added that leadership from Superintendent Ralph Burde is also a crucial element, along with the stable direction provided by Grodus.

"Ed has been principal here for 24 years," Pumford said. "That has given the school a lot of stability."

Of course, the whole operation starts with the community and the support it provides, both in dollars and dedication.

"The community has really made a commitment to our school," Pumford said.

"It's a great achievement," added Supt. Burde. "It's a terrific reflection on the school district, the community, the school and the staff."

"It's a real fine honor," agreed veteran NHS teacher Joel Lantz. "I think the staff feels proud. It puts energy in the system."

Principal Grodus said that it is important to realize that credit for the high school's honor should be shared equally with the school's partners, especially the other schools in Newaygo.

"You can't build a good house without a solid foundation," Grodus explained. "We couldn't do anything here without the work first being done at the elementary and middle school levels."

### NEWAYGO HS WINS NATIONAL AWARD

U.S. Secretary of Education Lamar Alexander announced last week that Newaygo High School has been named a winner in the U.S. Department of Education's 1990-91 Blue Ribbon National Exemplary Secondary Schools Program.

NHS Principal Ed Grodus was notified of Alexander's announcement during the last week of May.

The selection of Newaygo High School as a national exemplary school, according to the reports of site visitors, was directly related to:

high levels of student achievement and graduation rates as compared to per pupil spending,

the positive partnerships with various community agencies that benefit students,

building and district-wide involvement and commitment to the school improvement process,

the excellent and positive nature of the student body and staff, and

the leadership of the Board of Education, administration, and support of the community.

Newaygo High School is one of 222 public and private secondary schools nationwide and one of only three schools in Michigan that were selected for this special recognition. Newaygo Board of Education President, Edward Haynor, expressed pride and appreciation in this award that reflects positively on not only the high school, but also the district's entire K-12 operation.

In announcing the Blue Ribbon Schools, Alexander said, "The President, in his America 2000 education strategy, calls for new and better schools. These blue ribbon, exemplary schools display some of the qualities of excellence that will be necessary in tomorrow's break-the-mold schools: well-trained staffs providing creative instruction in communities that care about education."

This year's outstanding schools include 169 public and 53 private schools located in 44 states, the District of Columbia, Puerto Rico, and West Germany. They were selected from 490 nominations.

In addition to Newaygo High School, recognized schools include a Bureau of Indian Affairs School and a Department of Defense Dependents school, and religiously affiliated and independent schools.

Now in its ninth year, the Blue Ribbon Exemplary Schools Program honors elementary and secondary schools in alternate years.

A limited number of representatives from each of the 222 schools will be invited to Washington in the fall to participate in recognition activities. Newaygo High School and the 221 other schools will also receive a specially designed flag and a plaque.

## A LEGEND PASSES

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. SKELTON. Mr. Speaker, Will Shriver, a stallion owned by Mrs. William H. Weldon of Jefferson City, MO, died recently at the University of Missouri Equine Center at the age of 25. He was a world grand champion American saddle horse, and by general consensus, the greatest gaited horse ever to enter the ring. During his career, he won victories at the New York, Ohio, Indiana, and Kentucky State Fairs, and at competitions in Lexington, Pin Oak, Tulsa, and the American Royal in Kansas City. He defeated every horse he ever showed against at least once.

Perhaps the competitions that most set Will Shriver apart from other great champions were at the Kentucky State Fair in the years 1974 through 1976. In both 1974 and 1975, Will won the stallion division, but was prevented from competing in the five-gaited grand championship due to illness and injury. His 1975 injury would have ended the career of a horse with lesser heart. But Mrs. Weldon and her trainer, Redd Crabtree, had faith in Will. After all, they had believed in Will as a colt when others had thought he was unmanageable. In 1976, he returned to Louisville and won the stallion class for the third consecutive year. This time he was not to be denied in the grand championship class. His victory, the first world championship won by a Missouri horse in 35 years, met with overwhelming public acclaim.

Although Will Shriver is gone, his legacy will live on. Following his retirement from competition, he returned to Callaway Hills Stables in New Bloomfield, MO, where he sired a number of champions, including the following: Callaway's Mr. Republican; Callaway's New Look; Callaway's Caper; Callaway's Blue Norther; Callaway's Ghost Writer; Lady Luck; and Callaway's Powerful Magic. The success of his progeny brought Will another honor. He was named the Nation's leading sire by the editors of Saddle and Bridle magazine. He was also honored for his career by the St. Louis National Charity Horse Show.

CONGRATULATIONS TO THE TIME  
CORNERS SENIOR LITTLE  
LEAGUE ALL-STAR TEAM

**HON. JILL L. LONG**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Ms. LONG. Mr. Speaker, today I have the distinct pleasure of recognizing and congratulating a very hard working and skilled group of young athletes from my congressional district—the Time Corners Senior Little League All-Star Team. This team, from Fort Wayne, IN, has earned the titles of "Indiana District 10 Champions," "Indiana Sectional Champions," "Indiana State Champions," and "Central States Champions." The Time Corners All-Stars then proceeded to the Little League World Series and placed fifth in the world!

This is an exceptional achievement for any little league team, but especially for one that started out just hoping to have a respectable finish at the State level. By working together, and each individual performing to the best of his ability, this team was able to far exceed their expectations. I am quite proud to represent these young men, for they have displayed a great deal of teamwork, dedication, and sportsmanship.

The team, made up of 13- to 15-year-olds, includes: John Albright, Jason Brummett, Brian Cox, Casey Fogle, Rob Kaiser, Chris Kennedy, Rick Longenberger, Brad Martin, Todd Owen, Mark Pixley, Dan Schilling, Jeff Spisak, Zack Stephenson, and Ryan Waugh. I also commend two of the vital components of the team, the manager, Cal Waugh, and the coach, Dave Kennedy.

Congratulations to each of these individuals, and to their friends and families who have supported and encouraged them.

A SALUTE TO THE UNITED BAL-  
TIC-AMERICAN COUNCIL OF WIS-  
CONSIN

**HON. JIM MOODY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. MOODY. Mr. Speaker, I rise today to pay tribute to the United Baltic-American Council of Wisconsin as it celebrates the independence of the Baltic nations on Sunday, October 6, 1991.

The Estonian, Latvian and Lithuanian communities in Wisconsin have fought a long and determined battle to secure the liberty and sovereignty of the Baltic nations. I salute their efforts and share their great joy that the long-awaited independence has come.

The whole world has just witnessed an extraordinary series of events in the U.S.S.R. Time stood still as the forces of repression—the same forces that enslaved the Baltic nations—faced off against the fledgling forces of democracy and freedom—the forces that promise to change the entire political geography of what has been the U.S.S.R. This time, the forces of democracy have prevailed.

The implications are profound for the whole world, but especially for the people of the Baltics. For, of all the people enslaved by the old Stalinist system and its successors, no people have been more wronged and deprived than the people of the Baltic nations.

The dramatic failure of the coup by the hardliners opens the way for sweeping changes in each of the republics. The leaders committed to democracy made it clear that the old ways will never return. The candle of liberty and freedom never flickered out among the Baltic people during the long night of Communist rule and Soviet domination. Now that candle is a bright beacon, a torch of liberty. This beacon can brighten the path for people still locked in the remnants of the U.S.S.R. who seek and deserve to be free.

I am proud that Congress has continuously supported Baltic independence and urged President Bush to immediately recognize each of the Baltic republics as independent states.

The people of the Baltics deserve to have their long struggle and their courage rewarded now. We who love and practice freedom owe them this much, and more.

Mr. Speaker, I am privileged to honor the Baltic-American Council of Wisconsin for its continued efforts on behalf of the sovereign nations of Estonia, Latvia and Lithuania.

SEVENTY-FIFTH ANNIVERSARY OF  
OUR LADY OF POMPEI CHURCH

**HON. ROBERT A. ROE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. ROE. Mr. Speaker, it is with a great sense of pride and friendship that I rise today to commemorate the 75th anniversary of the founding of Our Lady of Pompei Church. This august parish opened its doors to the community on October 6, 1916, serving as a national parish for the care of the Italian people of the Stoney Road section of the city of Paterson, which lies in the heart of my Eighth Congressional District.

Our Lady of Pompei was established by Msgr. Felix Cianci to serve the growing spiritual needs of the community. For over three quarters of a century, Our Lady of Pompei has served as a beacon of faith to countless numbers of people in the greater northern New Jersey area. In July 1924, the Capuchin Sisters of the Infant Jesus were established in the parish by Bishop Thomas J. Walsh of Newark, who had jurisdiction over the religious orders of Passaic County. The sisters, whose convent was located on Caldwell Avenue, were engaged in community social service work, as well as teaching religious instruction to the children of the parish. Later, the property at 74 Murray Avenue was purchased for a new convent.

Outgrowing their initial quarters, a new church was needed, but because of lack of funds building one was put off a number of times. Finally in the fall of 1962 under the direction of Father Mancini, work on the new structure at 70 Murray Avenue next to the old building began with excavation at the corner of Caldwell Avenue and Dayton Street. The new church was dedicated Saturday, August 17, 1963 by Bishop James J. Navagh. In the same year, the Capuchin Sisters were transferred and their duties assumed by the Missionary Sisters of the Immaculate Conception. Presently, the Salesian Sisters staff the CCD program.

Over the years the parish has been served by a succession of distinguished and caring pastors: Rev. Vincent Juliani 1916-18; Rev. Raimondo Tonin, OFM, Cap., 1918-20; Rev. Michel Gorri, OFM, Cap., 1920-21; Rev. Gaetano Costrì, OFM, Cap., 1921-26; Rev. Didacus Roberto, 1926-51; Rev. Daniel Vechiollo, January-June 1951; Rev. Augustine Varricchio, June 1951-54; Rev. Sylvius Mancini, 1954-68; Rev. Eugene Romano, 1968-71 and Rev. Martin J. D'Auria, 1971 to present.

Mr. Speaker, on October 6, 1991, the Brownstone House of Paterson will be the setting for a gala dinner dance celebrating the

75th anniversary of Our Lady of Pompei. The fine people whose lives have been touched and strengthened by this outstanding institution will also be paying tribute to Rev. Martin J. D'Auria for the quality of his leadership and commitment to the service of the church.

Mr. Speaker, I appreciate this opportunity to present a portion of the history of this distinguished parish that has remained dedicated to helping others and guiding them spiritually. As Our Lady of Pompei Church, of Paterson, NJ celebrates its 75th anniversary, I know that you and all of our colleagues here in the Congress will want to join me in extending our warmest greetings and felicitations for both the service and guidance it has provided to the community, State, and Nation.

**DEMOCRACY OVERTHROWN IN HAITI**

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. OWENS of New York. Mr. Speaker, as the United States Representative from the 12th Congressional District that is home to one of the largest Haitian-American communities in the United States, I am outraged at the news that Haiti's first freely and democratically elected President, Jean-Bertrand Aristide, was ousted yesterday by a military coup. I am particularly angered because despite the fact that the U.S. Government has one of the better information, monitoring, and espionage systems in the world, it apparently did not anticipate the coup in advance—or so it is claimed.

Any lay person who has been following events in Haiti for the last 10 years would have known that Aristide's Presidency was in danger as far back as January, when former Duvalierist henchman Roger Lafontant tried to overthrow interim President Ertha Pascal-Trouillot just before the Aristide's February inauguration. They would have known that Haiti's all-powerful, notoriously corrupt military would react to Aristide's attempts to reform it by replacing generals from the Army high command with younger officers more supportive of a democratically and freely elected government.

Our Government knew from Haiti's previous history of coups and countercoups by military dictators and representatives of Haiti's wealthy, notably the former ruling Duvalier family, that Aristide would need a great deal of support from the United States to maintain control over his fledgling democracy. What Aristide got instead was a scolding from our Government when in April he detained the former interim President Pascal-Trouillot due to her role in the attempted coup by Roger Lafontant. According to the Washington Office on Haiti, a Washington, DC-based Haitian policy and information organization:

The U.S. Embassy in Port-au-Prince, ignoring diplomatic protocol, issued a press statement expressing its concern over (Pascal-Trouillot's) arrest and called on the Government of Haiti to abide by international norms regarding human rights. Privately, State Department officials expressed outrage

over the incident, suggesting that it was political persecution rather than a genuine, judicial investigation. Shocked that "they had not received advance notice," the State Department indicated that the incident threatened to eliminate any goodwill which had thus far been demonstrated. One early casualty was the cancellation of a visit to the United States by President Aristide since the State Department could no longer guarantee any meeting between Presidents Aristide and Bush.

The Washington Office on Haiti adds that United States aid to the island nation was briefly held up due to conditions placed on the aid which the Aristide government objected to.

In short, Mr. Speaker, our Government did not help the admittedly shaky democratic government in Haiti because it was a government that the United States could not control. It was not a military puppet regime or a callous family dynasty propped up by our Government, as was the case with previous Haitian regimes. It was a progressive government elected by the nation's people. And as we know from past United States policies toward Grenada and Nicaragua, our Government does not like, and will not assist, the governments of countries, especially those "in its own backyard," who will not allow our country to dictate its policies, its relations with other nations, its day-to-day internal affairs. Thus Haiti was a victim of our Government's not-so-benign neglect.

Today the United States Government suspended \$84 million in economic and food aid to Haiti, along with \$1.5 million in nonlethal military aid, in retaliation for the coup. That is like closing the barn door after the horse is gone. Bush administration sources have told the Associated press that it "is prepared to use maximum political, diplomatic, and economic pressure to reverse Monday's coup in Haiti." But maximum assistance was needed well before the coup to protect President Aristide's government from the military, the Duvalierists, and elements of the Ton-Tons Macoutes, the Duvalier's outlawed militia, whom some in Haiti say are ultimately behind yesterday's overthrow.

If the Bush administration really wants to help the forces of democracy regain a foothold in Haiti, it should refuse to extend any diplomatic recognition to this latest military junta; insist on unequivocal respect for the Haitian people's expression of their own political will in the democratic election of President Aristide last December; demand the restoration of the democratically elected government of President Aristide; and respect the right of the island nation to self-determination and political autonomy.

**PRESIDENT MUST DO MORE TO DISCREDIT ILLEGAL REGIME IN HAITI**

**HON. TED WEISS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. WEISS. Mr. Speaker, yesterday the newly elected government of President Aristide was overthrown by officers of the Haitian military. Just 10 months after the majority

of the Haitian people freely chose a leader for the first time, the Army has again acted to forcefully impose rule, repression and fear.

From the Soviet Union to Ethiopia democracy is ordered by popular demand and military rule is rejected outright. Yet the Haitian military has exempted itself from this moral mandate and instead used force to impose its will over that of the Haitian people.

I commend U.S. Ambassador Adams for quickly condemning yesterday's revolt, but I am disappointed by President Bush's silence on this issue. He acted decisively to stem the tide of tyranny in the Persian Gulf but has taken his time to comment on the atrocities in Haiti. Consequently, the military junta remains and tyranny is taking hold in our own backyard.

The President must do more to discredit this illegal regime. All U.S. bilateral assistance should be suspended immediately. U.S. influence should be used to deny the transfer of assistance from multilateral financial institutions. And effective action should be taken within the United Nations, and OAS to impose multilateral penalties until a freely elected democratic government and the rule of law is returned to Haiti.

As the leader of free choice and popular rule, the United States can no longer let this type of action go unnoticed. We can no longer allow brutality to dominate the lives of our neighbors to the South. And we can no longer maintain relations with a government ruled by the few at the expense of the many.

I would urge my colleagues therefore to take this as an opportunity to undermine oppression and underwrite democracy and justice by calling on the President to act now and send a message to General Cedras that we deplore this revolt and demand the immediate reinstatement of the Aristide government.

**HAPPY 20TH ANNIVERSARY TO CREPEAU COURT**

**HON. RONALD K. MACHTLEY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. MACHTLEY. Mr. Speaker, it is with great pleasure that I rise today to recognize the residents of Crepeau Court, in Woonsocket, RI, and join them in celebrating their 20th anniversary on Sunday October 6.

For 20 years the Crepeau Court Tenants Association has been hosting various events throughout the year. Among these events are their annual Christmas party, St. Patrick's Day party, and Mother's Day party. They also host outdoor barbecues and auctions. This year's tenants association president is Stella Miszkiewicz.

Crepeau Court is an active association and a member of the Senior Citizen Council. Twenty original residents of Crepeau Court are also being honored. Among them are Rose Kennedy who is 96 years old. Also being honored are Mr. and Mrs. Charles Ferron, Mr. and Mrs. Francois Fontaine, Mrs. Theodora Therein, Mrs. Lillian Kane, Mrs. Albina Walsh, Mrs. Evelyn Smith, Mrs. Yvonne Lacombe, Mrs. Rena Desmarais, Mrs. Helen

Maciejko, Mrs. Rhea Couto, Mrs. Georgette Sculley, Mrs. Yvonne Lambert, Mrs. Stacia Neidzwaidek, Mrs. Aldora Remillard, Mrs. Aldea Dufault, Mrs. Aldea Ledoux, and Mrs. Louise Beausoleil.

I ask that my colleagues join me in wishing a happy 20th anniversary to Crepeau Court and all its residents. I extend my best wishes to them for the future.

**BERNADETTE PARDO; COURAGEOUS FIGHTER FOR A FREE PRESS**

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Bernadette Pardo, who recently was featured in the Miami Herald as the television reporter who put Fidel Castro in his place. The article written by Juan Carlos Coto tells how Ms. Pardo confronted the Cuban dictator about the lack of freedom in Cuba in an interview at the summit of Spanish-speaking leaders in Guadalajara, Mexico:

Bernadette Pardo, the television reporter who put Fidel Castro in his place, recently found herself the special at a Miami supermarket. Her slightly disheveled hair hastily pulled into a ponytail, Pardo was just trying to collect her grub for the week like anyone else when an employee saw her and blared over a speaker:

"Attention shoppers! Attention shoppers! Bernadette Pardo in aisle four! Bernadette Pardo is in aisle four!"

Pardo, who weeks earlier was simply known as a political reporter for Spanish-language WFTV-Channel 23, was now, it seemed, a local heroine. Now, in the supermarket, she once again faced a crowd of eager TV viewers, who congratulated her on the interview, *la entrevistista*, her confrontation with Castro at the Ibero-American summit.

"Te la comiste," they told her. The literal translation is "You ate it," but it's slang for "Good job."

The kudos are invariably followed by questions: "What was it like interviewing Castro?" or "What does he look like? Is he near death?"

"He looks very imposing," Pardo has to say, disappointing them. "And healthy."

It was high noon at the Camino Real Hotel, July 18 in Guadalajara, Mexico, when Pardo thrust herself, unabashed, into the role of spokesperson for Cuban exiles everywhere, grilling the man who, in their minds, stole Cuba.

"I think, in general, the people who are interested in politics are going to remember where they were when they saw that interview," says Miami Mayor Xavier Suarez, who recently honored Pardo at airee with friends.

Says Pardo of her sudden stature: "I thought people might say I wasn't tough enough. I really didn't expect this outburst of adulation."

But in Miami, where new spiritual heroes of exile can emerge from week to week—a political prisoner one day, a defecting baseball player the next—it was inevitable that after her interview Pardo would practically become St. Bernadette.

Reporting on the summit of Spanish-speaking hordes, Pardo asked Castro about

dissidents in Cuba who reportedly had been assaulted by a pro-government mob. Castro tap-danced around the question, saying, "That's not possible in our country."

Pardo cited a 1958 letter Castro had written to her father, Jose Pardo Liada, a commentator, journalist and one-time Castro supporter. In the letter to his friend, a young Fidel demanded a free press and equal coverage for his rebels. "The dictatorship has the word," Fidel wrote.

But when Bernadette Pardo asked Castro if there could ever be a free press in Cuba today, Castro was forced to say: "Well, in Cuba—no."

Later in the interview, Pardo declared, "We're one people divided by one man." And she motioned to him.

But viewers and colleagues will tell you Pardo really earned her \$85,000 annual salary a few seconds later, when she asked Castro, "Do you think you have a monopoly on love for Cuba?"

**A RARE MOMENT**

Pardo might be one of the few journalists in history to have actually put Castro on the defensive. The fact that this was accomplished by an exile reporter whose station, Channel 23, and network, Univision, are usually restricted from entering Cuba, much less interviewing Castro, makes it all the more remarkable.

"Visually it was very powerful," says Lisandro Perez, director of the Cuban Research Institute at Florida International University. "The camera was in such a way that you could imagine yourself being there, and here it is—every Cuban's chance to tell Fidel Castro off, though she didn't do that."

"There were three dimensions to it. She was a journalist, she was Pardo Liada's daughter and she was a Cuban. I think she acted the way she was expected to act being from the Spanish-language media from Miami. She responded to what other people would have done, but I think she understood she was a journalist, too."

**PAPA'S THOUGHTS**

"There are some mysterious things here," says Pardo Liada himself, now 67, and working as Colombia's ambassador to the Dominican Republic. "She was very young when I was on the radio in Cuba, she never knew my style. But that manner in which she approached Fidel was my style of journalism, very aggressive journalism. I saw myself photographed in her. This Bernadette of today looked like me."

Michael Putney, political reporter for WPLG-Channel 10, calls the interview "a moment that had so much emotional and ideological weight to it. It simply was not an interview between a political leader and a political reporter. It wasn't just journalism. It just transcended it. It had something that struck something in all of us, certainly for the Cuban Americans who live in Miami. But even for those of us who aren't, it was very meaningful, very moving."

It certainly was moving for Channel 23 management, which wasted no time in getting the entire 4½-minute interview on the air—again and again. It aired at least eight times in the next four days, as well as during a special about the Guadalajara summit.

**HONORS AND HONORS**

When she returned from Mexico, Pardo began playing the Spanish language radio circuit, responding to eager questions from talk show hosts and guessing Castro's fate.

She has also received numerous proclamations from local governments, including Miami, Hialeah and Hialeah Gardens. It was

Bernadette Pardo Day in all three cities on Aug. 23, and more honors are in the works.

In the typically florid language of municipal proclamations, Hialeah Gardens praised Pardo for "carrying in her insides the indelible stamp of the cradle which she nourished her valuable personality."

Hialeah said she "embodied, in diaphanous form, the purity of her impoverished gesture, where shedding light to darken the evil, she remained firm before the agonizing mask of the imposter of history."

Pardo, 41, a former flower child and student of Russian literature, doesn't see her interview in such grandiose terms, and she says the public accolades won't affect her coverage of local politics, her regular beat.

"I'm just happy the way I am, thank you," says Pardo, who left Cuba in 1961, when she was 10. "I don't need proclamations or anything, and especially I don't need them if people are going to question my integrity when I cover things. They're not giving me something tradable, nobody's giving me any money, nobody's building me a house or a dock."

Channel 23 cameraman Carlos Corrales, who photographed the Castro interview and talks about a kind of "umbilical cord" between himself and Pardo—they've worked together for more than five years—says "there are few reporters that I would go anywhere with and actually trust them with my life. Bernie is one of those reporters."

**THE BOMBING**

Actually, before *la enteriste* there was *la bomba*, the bomb. It was 1969, at the height of the drug wars in Colombia, and Pardo as having dinner with Corrales in a cafe in Wedellin. Suddenly, a bomb exploded, throwing them 10 feet Pardo's spine and wrist were broken and Corrales suffered a cut forehead and crushed foot.

But even that story, and considerable other accomplishments in her career—she was Channel 10's editorial director in the late '70s and early '80s, she wrote speeches for Gov. Bob Graham in 1983, she was later a producer at WTVJ-Channel 4—have faded in the shadow of *The Interview*.

"I don't take all of this superwoman thing seriously, but I take the people very seriously," Pardo says.

The most touching letter came from Cuban writer and dissident Maria Elena Cruz Varela, who delivered a note to Pardo through a University colleague who was in Cuba last month covering the Pan American games:

"Greetings," Cruz Varela wrote on a sheet torn from a reporter's notebook. "I admire you and also are a victim of the monopoly of love. We shall win. Surely. We shall have a democratic Cuba."

Pardo is onto other things, now, such as enrolling her 3-year-old daughter Tatiana in preschool and reporting from the Soviet Union this week. She's there with her Channel 23 teammate from Guadalajara, Lourdes Mehuza, who scored a brief Castro interview the day after Pardo's.

**FIGHTING STEREOTYPES**

Pardo's fast-paced life style—she smokes a pack a day and says "I used to drink to go along with it"—puts her at odds with the stereotype of the Cuban woman always assuming the role of the subservient mother. Too, Pardo hasn't been married since the late '70s and chose to have Tatiana out of wedlock.

"There's nothing shameful in my mind," Pardo says of her choice. Her daughter was named after a character in the Russian writ-

er Alexander Pumbkin's dramatic poem Eugene Onegin. "Tatiana's the best thing I've ever done."

Pardo the journalist is known as a live wire—perpetually disorganized, frantic, but always ready to deliver the story when the cameras roll. Colleagues have a nickname for her: "The Bern Unit."

"She's aggressive, but in the good sense of the word," says Channel 23 anchor Ambrosio Hernandez. "In this business, you have to be aggressive."

"What I do well is report and interview and get to the heart of something," says Pardo. "If you lose the heart, you lose whatever made you good at it. There's very little to understand. Just leave me alone and I'll get the job done. I may not know where my car keys are \* \* \*."

I am happy to pay tribute to Ms. Pardo by reprinting this article from the Miami Herald. The article shows how a courageous woman has overcome many obstacles, including being injured in a Colombian drug war bombing, to become a successful journalist at Miami's Spanish-language WLTW-Channel 23.

Bernadette is a heroine to the Cuban exile community in south Florida and she has had an outstanding career which will prosper more in the years to come. She will be honored by the Cuban Journalists in Exile organization on Sunday, October 27 at 1 p.m. at the Intercontinental Hotel in Miami for her incredible journalistic skills and for her growing popularity in our community. We are all very proud of Bernadette Pardo and wish her much success.

**COMMENDATION TO LINCOLN PARK NEIGHBORHOOD ASSOCIATION, BEAT 26, AND SGT. WALLY BRADFORD**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Ms. NORTON. Mr. Speaker, I rise today to commend the residents of the Lincoln Park neighborhood and the First District Metropolitan Police Department for their energetically dedicated service to the residents of their neighborhood and their city. This unique partnership between residents and their police is manifested in the work of the Lincoln Park Neighborhood Watch Association. Lincoln Park, located in the heart of Capitol Hill, comprises 2,500 homes in a 65-block area. Its boundaries in advisory neighborhood commission 6B are from 7th Street to 14th Street SE. and from East Capitol to E Street SE.

Mr. Speaker, beat 26 is the former patrol area of Sgt. Wally Bradford, who retired this summer and whose work was central to the creation of this community empowerment anticrime program. Sergeant Bradford has left this community a working legacy.

The Lincoln Park Neighborhood Watch Association, by linking residents with the Metropolitan Police Department, has greatly improved communication concerning crime-related incidents and has reduced crime. Forty-five block captains were organized to monitor approximately 80 percent of beat 26. Each block captain serves as a liaison between the police department and the community.

In addition to organizing the community into a cohesive unit, the association created the Beat 26 Newsletter, which is the extraordinary work of Susan and Joel Sarfati, and the Action Alert Program. These and other incentives helped develop a means of educating and empowering the community by giving specific information of criminal activity. Merchants posted special notices so that residents would be aware of the latest occurrences in the neighborhood. As a result the community has seen a significant decline in crime.

Mr. Speaker, beat 26 has set the pace for doing something about crime instead of only talking about it. Other neighborhoods in Washington want to learn from beat 26, and the Lincoln Park model should be helpful to communities elsewhere in the country. Especially considering how many Members live on Capitol Hill, Mr. Speaker, we should all be grateful to the members of the Lincoln Park Neighborhood Watch Association, beat 26, the First District Metropolitan Police Department, and to the energetic residents of Capitol Hill for their commitment to ensuring the safety for this community.

**BREAST CANCER SCREENING SAFETY ACT/BREAST CANCER AWARENESS MONTH**

**HON. VIC FAZIO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. FAZIO. Mr. Speaker, I rise in support of Breast Cancer Awareness Month and, specifically, as an original cosponsor of the Breast Cancer Screening Safety Act.

One out of every nine women in the Nation, and 1 out of every 10 in my home State—California, are expected to develop breast cancer in their lifetimes. An estimated 44,500 American women are expected to die of breast cancer this year.

Breast cancer accounts for 15 percent of all cancer cases diagnosed annually. It is the most common form of cancer among American women, and the second leading cause of cancer death among women, surpassed only by lung cancer. Incidence rates for breast cancer have increased approximately 3 percent each year since 1980. Yet the resources we have dedicated to fighting breast cancer are woefully inadequate.

It is time for an aggressive attack on this disease that is killing so many American women. However, we must do more than increase breast cancer research and ensure better access to treatment.

It is a known fact that early detection of breast cancer could reduce deaths by at least 30 percent, saving more than 10,000 lives annually. Because there is no cure, early detection remains the best weapon against this disease. But there is a wide variation in quality standards for mammograms—and poor quality mammograms can delay treatment and result in either mastectomy or even death.

Consequently, I am cosponsoring the Breast Cancer Screening Safety Act, which Representatives SCHROEDER and LLOYD are introducing today. This bill would ensure safe and

accurate mammograms by requiring national quality standards for all mammography facilities. If we are to tackle this epidemic head on, we must focus on the two elements that play such an important part in early detection—awareness and quality assurance.

I wholeheartedly endorse both the Breast Cancer Screening Safety Act, as well as Breast Cancer Awareness Month, and salute my colleagues, Representatives SCHROEDER and LLOYD, for their efforts toward making this critical woman's health issue a national priority.

**VETERANS OUTPATIENT CLINIC IN SAVANNAH, GA TO BE OFFICIALLY DEDICATED**

**HON. LINDSAY THOMAS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. THOMAS of Georgia. Mr. Speaker, I am very proud to announce that the Veterans Outpatient Clinic in Savannah, GA will be officially dedicated on October 18, 1991. But behind the brick and mortar and ribbon-cutting that will be the focus of that ceremony, there is a long and inspiring story of the dedication of local veterans.

I rise to make these remarks so that in years to come, there will always be a record of their accomplishments.

The work on this project began with my predecessor in the Congress, the Honorable Bo Ginn, who paved the way for the clinic through his tireless efforts in partnership with local veterans who first brought the issue to his attention. Veterans Administrator Max Cleland was also called on to help.

A long struggle began to secure the documentation of the need for the clinic, and then to secure the support of the Veterans Administration. Not long after I began my work on the project, hurdles arose involving a scarcity of funding, medical staff, and equipment. Later, problems with the clinic's construction contract again delayed the project.

There came a time 2 years ago when I and my colleagues, Senator WYCHE FOWLER, Senator SAM NUNN, and Congressman J. ROY ROWLAND, sought direct assistance from the Secretary of the Veterans Administration, Edward Derwinski. Secretary Derwinski responded immediately and took personal action to resolve the problems that threatened the clinic. He gave his word that he would see this project through to successful completion, and he is as good as his word.

There were times when many of us were discouraged and thought this clinic might never be built. But the underlying thread that kept the project from unraveling was the strength and persistence of the local veterans. They were trained for the fields of combat, and they are not quitters.

So as the day of October 18 dawns, and this clinic is dedicated, I want my colleagues in the Congress, and my fellow citizens in Georgia to know that the day will belong to our veterans. They will have earned that day with their years of service in the uniform of our Nation, and with their years of struggle to

make their dream of a modern clinic come true.

SENATOR SIDNEY LEE'S I HAVE A DREAM FOUNDATION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. DE LUGO. Mr. Speaker, I wish to commend the extraordinary generosity, vision, and commitment to community of former Virgin Islands Senator Sidney Lee who has initiated a program that will change forever the lives of 20 fifth grade students at the Pearl B. Larsen Elementary School in St. Croix.

Senator Lee has established an "I Have a Dream" Foundation and has donated \$200,000 of his personal funds to begin it. He has invested the money with the belief that by the time these youngsters are ready to go to college in 7 years it will be worth twice or three times what it is today and will be sufficient to fund the college educations of these 20 students. The Senator says that all these students have to do is graduate high school and be accepted to college to receive the money.

The parents of many of these students never thought they would see their children be able to afford to go on to higher education. But Senator Lee's generosity has changed that. And as a result of his gift, the lives of these students and their families will never be the same.

Many are the complaints about our system of education, that it fails the students who need it most. Great are the concerns that youth have too few opportunities. Often youth themselves are criticized for lacking goals and planning for the future.

Through his Dream Foundation, Senator Lee has addressed each of these problems. His foundation gives these children hope, hope in themselves, and hope in tomorrow. It gives them daily goals to do well in elementary and secondary school so they can achieve the long-term goal to go on to higher education. It gives them a stake in the future, their future, one for which they can work and plan.

Mr. Speaker, I am proud of Sidney Lee, for he has made a considerable financial commitment to these children. He has established a means to make a significant difference in the lives of these youngsters. Senator Lee is a fine example of Virgin Islands people who can and do make a positive difference for others and for the community they love.

IN RECOGNITION OF ARTHUR GOETZ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mrs. ROUKEMA. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House a constituent of mine who, after 45

years of serving the publishing industry, retired yesterday. Arthur Goetz, a resident of Glen Rock, NJ, since 1956 and a leader in his community, will enter the next chapter of his version of "Its a Wonderful Life."

As a young man and soon after graduation from high school, Arthur Goetz answered the call to duty and proudly served the Army Air Corps in the Pacific theater from 1942 to 1945. Upon his return home, he enrolled in Pace University where he concentrated on his studies in business and spent his extra-curricular time working for the American News Service.

After the war, as the country was turning its attention homeward, Arthur continued to serve his fellow veterans as the post commander for the Veterans of Foreign War post in Bellrose, Queens.

In 1953, Arthur began working as a salesman for a private firm, the Holliston Mills. In his 38 years at Holliston, he helped build the small firm into a thriving international publishing interest known now as Holliston International. He leaves the company as a vice president.

Arthur Goetz and his wife Marion moved to Glen Rock, NJ, in 1956 where he became an active member of the Glen Rock Civil Association. It is in Glen Rock that they chose to raise their three children, Skip, Meg, and Amy, who have each been most successful in their own right. Perhaps familiar to most of my colleagues is Meg, who serves here on the floor of the House as the majority reading clerk.

During their childhood, Arthur Goetz made extraordinary efforts to support his children's activities. Whether it was coaching the sports teams, driving the Boy Scout carpool or patronizing the drama club, Arthur constantly and exuberantly answered the call to duty with the same intensity with which he served his country, his community, and his career.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, and the rewards freely given by ones peers. And that is why the people of the Fifth Congressional District of New Jersey are proud to have Arthur Goetz as a neighbor. Today, I ask my colleagues in the House to join in congratulating Arthur Goetz on the commencement of his retirement.

Mr. Speaker, the poet said, "Past is prolog." With that truism we can say with assurance that Mr. Goetz will soon be enhancing the quality of life for all those whose good fortune it is to share in his "Wonderful Life."

TRIBUTE TO ISIDORE "RED" KARBEL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I rise today in honor of Isidore "Red" Karbel, principal of Cunningham Junior High School in Brooklyn, NY.

Retiring after 40 years, Red Karbel has served the educational system with dedication and distinction. As a teacher, an assistant principal, and principal for the last 19 years,

Red tried to provide the best possible education in the safest possible environment for each student touched by his leadership. A principal whose door was always open. Mr. Karbel tirelessly injected himself into the education and lives of his students, preparing them for the world beyond Cunningham Junior High.

Educators like Red Karbel make my job easier. By helping to mold our children into intelligent, responsible, and law-abiding citizens, Mr. Karbel has contributed so much to our community. I commend him for his work, and wish him many more years of health and happiness with Mollie, his children, and his grandchildren. And I ask everyone to remember his immortal words, "Walk, walk, walk, read, read, read."

A TRIBUTE TO CAPT. FREDERICK D. KLUG

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. McEWEN. Mr. President, I rise today to honor an individual that has provided many years of excellent support and dedication to not only myself but to the Congress at large. Capt. Frederick D. Klug, Office of the Secretary of the Air Force, Legislative Liaison, Inquiry Division, will be reassigned from the Pentagon to Grissom AFB, IN on October 11, 1991. I and many of my colleagues have directly benefited from his exceptional service in the Air Force's congressional inquiry office.

As an action officer in branch 2 of the inquiry division Captain Klug's calm, logical, and thorough method of handling unique situations and constituent concerns, some of which were extremely time sensitive, resulted in the successful resolution of in excess of 800 cases per year over a 4-year tour. Time and time again, his can-do attitude attained favorable results. A seasoned traveller with a myriad of congressional members and their staffs Captain Klug was among the first to escort a large delegation to Moscow. His thorough, efficient, professional planning assured that this trip, and others to follow, were completely successful.

Mr. Speaker, I join with many of my colleagues who have directly benefited from the professional support Captain Klug has provided the Congress in congratulating him for a job extremely well done, and wishing him and his wife Jackie, as well as his son, Jeffrey, the very best in the future. Captain Klug is a professional among professionals and brings great credit upon himself and the U.S. Air Force.

CONGRESSMAN SANDERS APPLAUDS THE BREAST CANCER SCREENING SAFETY ACT AND PRAISES VERMONT JOANNE RATHGEB FOR HER COURAGEOUS STRUGGLE AGAINST BREAST CANCER

### HON. BERNIE SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. SANDERS. Mr. Speaker, I want to congratulate the Congresswoman from Colorado, PATRICIA SCHROEDER, and the Congresswoman from Tennessee, MARILYN LLOYD, on the legislation they are introducing today. I can think of no better way to mark the first day of Breast Cancer Awareness Month than with the introduction of the Breast Cancer Screening Safety Act. This legislation will ensure the safest, most reliable, and highest quality mammogram testing possible. After many years of discrimination against women in health procedures, we now have a chance to put an end to such injustices. We must guarantee women that tests which can determine the course of women's lives are safe and accurate. Until we have found a cure, or even located the causes of breast cancer, we must make use of the best modes of testing and promote further research in hopes of discovering the causes of this devastating disease.

I would also like to praise Joanne Rathgeb, a courageous Vermonter and a fourth stage breast cancer survivor, on her efforts to alert women about this epidemic. Joanne has mounted a massive letter writing campaign as part of a larger national letter writing campaign: "Do the Write Thing." Joanne's work is successfully disseminating the Vermont State Department of Health finding that, "Breast cancer is the leading cancer related cause of death among Vermont women \* \* \* and Vermont's breast cancer death rate is increasing."

The average annual age-adjusted mortality rate from female breast cancer in Vermont for the period 1984-88 is 30.4, the eighth highest in the Nation. In addition, American Cancer Society data reports that in 1991, of the 2,400 new cancer cases in Vermont, breast cancer will account for 475. These striking figures about new cases of, and mortality rates for, breast cancer in Vermont are evidence of a bleak national trend. Breast cancer continues to escalate and destroy the lives of hundreds of thousands of women each year.

With brave and public-spirited battles like the one Joanne Rathgeb is waging, with health benefits that will result from legislation like the Breast Cancer Screening Safety Act, we are beginning to confront the dire situation facing so many American women.

TRIBUTE TO JOSEPH B. WILEY HONORED BY THE NEW JERSEY ALLIANCE FOR ACTION AT THEIR ANNUAL EAGLE AWARDS DINNER

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. ROE. Mr. Speaker, it is with distinct pride that I rise today to pay tribute to a man of extraordinary talents, who has lent his time and abilities to improving his community and his State. On Wednesday, October 2, 1991, the New Jersey Alliance for Action will honor Joseph B. Wiley, Jr. for exemplary service as an engineer, for his community service in association with the alliance, and in particular for his outstanding leadership as the chairman for PROTECT [Passaic River Organization To Encourage Construction of the Tunnel].

The 17th Annual Eagle Awards dinner will be held in New Brunswick, NJ, and will be attended by many of State's leading citizens, including the distinguished Governor of New Jersey, the Honorable Jim Florio. The New Jersey Alliance for Action is the premier organization in the State for the promotion of infrastructure maintenance and development. Mr. Wiley has been intimately involved with the work of the alliance and has distinguished himself as a man of distinctive knowledge and dedication.

Born and raised in New Jersey, Mr. Wiley studied at the prestigious Massachusetts Institute of Technology where he received a degree in mechanical engineering. He is currently project manager at Kupper and Associates, consulting engineers in Piscataway, NJ, and has served as township engineer for Logan Township in New Jersey. In addition to the normal municipal engineering duties, he has had to deal with a variety of special challenges including two Superfund sites.

This wide variety of engineering problems has given Mr. Wiley a broad experience in not only mechanical engineering but chemical and civil engineering as well. He is a member of several professional engineering organizations including American Society of Mechanical Engineers, Society of American Military Engineers, National Association Environmental Professionals, and the Save Our Port Coalition. His well rounded background also includes work as a consultant on solving the municipal waste problem which is of particular importance to the State of New Jersey.

In addition, Mr. Wiley has done extensive work on flood control projects which would resolve serious flooding conditions in the State. He has served as planning consultant on the Green Brook Flood Control Commission and has chaired the PROTECT group since 1989.

PROTECT is a group organized by the Alliance for Action for the promotion and completion of the Passaic River flood control project which was passed into law as part of last year's Water Resources Development Act. This project would alleviate the single worst urban flooding problem in the country and directly impacts the heart of my Eighth Congressional District. It involves an innovative engineering solution where flood waters will be di-

verted into a tunnel upstream and then deposited directly into Newark Bay and the Atlantic Ocean.

Mr. Speaker, this project is vital to thousands of businesses and hundreds of thousands of residents who have been subjected to the annual flooding in the Passaic River Valley. Mr. Wiley and the PROTECT group have been instrumental in providing municipalities and local residents with essential information with regard to the construction and local impact of this monumental engineering venture. Mr. Wiley has also appeared several times before various congressional committees in support of the authorization of and appropriation for this project. He clearly illustrated the essential need to move forward to resolve this problem which has plagued the area for over a century.

A large part of carrying out the task of engineering projects in an urban setting involves providing the local citizens with information to help them understand and cope with the situation. When given the simple facts, people generally respond quite well and appreciate the benefits which will accrue from the completed project. Mr. Wiley has devoted a significant portion of his career to this human side of the engineering profession. He realizes that engineering is a tool for man and as such human considerations are an essential part of an engineering blueprint.

Mr. Speaker, for his outstanding record as an engineer and for his devotion to his community and indeed the entire State of New Jersey, Mr. Joseph Wiley is being recognized at this well deserved tribute. I am very proud to share in this event and I am sure in the pride felt by Joe's lovely wife Karla, and his son Joe along with his wife Phoebe, and their two children, Helena and Joe.

Mr. Speaker, I welcome the opportunity to bring this event to your attention and I am sure that you and all my colleagues here in the House join me in congratulating this man in recognition of his fine example of citizenship and community participation. Mr. Joseph B. Wiley is truly a great American.

RECOGNIZING THE 80TH ANNIVERSARY OF THE REPUBLIC OF CHINA

### HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. BUSTAMANTE. Mr. Speaker, coming October 10, 1991 the Chinese people on Taiwan will be celebrating the 80th anniversary of the establishment of their nation, the Republic of China. I join the Republic of China's many friends in the United States in congratulating President Lee Teng-Hui and Representative Ding Mou-Shih.

We are extremely glad to hear that Taiwan's political reforms continue to make progress. It has been announced that lawmakers elected on the mainland will have all retired by the end of this year and that all new lawmakers will be elected by their constituents. It is also good to know that the Republic of China is now actively engaged in new constitutional re-

forms to make that country more representative of the people.

I am pleased to see that President Bush has openly supported Taiwan's application to join the General Agreement on Tariffs and Trade [GATT], and I hope Taiwan will be able to be represented in all multilateral organizations in the near future. Again, congratulations to our friends in the Republic of China on this historic anniversary.

HONOR REAR ADM. RONALD J.  
ZLATOPER

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to honor Rear Adm. Ronald J. "Zap" Zlatoper of the U.S. Navy, as he completes his assignment as Commander of Carrier Group Seven. It is my pleasure to acknowledge the accomplishments of this dedicated sailor, aviator, and distinguished member of our community in San Diego, CA.

Headquartered at Naval Air Station North Island in San Diego, Admiral Zlatoper was the commander of the U.S.S. *Ranger* Battle Group (Battle Group Echo), the only west coast carrier battle group to participate in all 43 days of hostilities in Operation Desert Storm. Under his leadership, Battle Group Echo played a key role in the U.S. victory in the gulf conflict.

Admiral Zlatoper is a dedicated professional naval officer and an expert naval warfare tactician. He has held leadership positions in Naval Aviation Squadrons, Carrier Air Wings, and on various staffs. He served as the military assistant to the Secretary of Defense, as well as the Chief of Staff for the Seventh Fleet. A rock-solid leader, he served with valor as a carrier-based attack pilot during the Vietnam war, flying bombing missions against North Vietnam.

During the Persian Gulf conflict, Battle Group Echo participated in the first air and cruise missile strikes against Iraq and conducted sustained combat operations throughout Operation Desert Storm. While in the Gulf, Admiral Zlatoper served as the Anti-Surface Warfare Commander and was responsible for the destruction of the Iraqi Navy. As the last of the four battle group commanders to depart the Gulf after hostilities ceased, he carried out the duties of Commander of the Arabian Gulf Battle Force, continuing to enforce the United Nations' economic embargo of Iraq and protecting coalition forces in Kuwait and Iraq.

Admiral Zlatoper is an academic as well as a superior public servant. A graduate of Rensselaer Polytechnic Institute, he holds Masters Degrees from the George Washington University and Massachusetts Institute of Technology. In addition, he was designated the Outstanding Command and Staff Student at the Naval War College. Admiral Zlatoper is an outstanding member of the San Diego community. He is a loving husband, caring father, and a still-aspiring basketball player. He has proven that the best leaders must be both professional and compassionate in demeanor.

Mr. Speaker, Rear Admiral "Zap" Zlatoper is a role model for men and women in and out

of the Armed Services of this great Nation. His commitment to excellence, good nature, and devotion to duty has earned him well-deserved recognition and praise from the Navy and the civilian community. As he departs San Diego for his next assignment, I want to express our community's gratitude and congratulations to Rear Admiral Zlatoper for a job extremely well done.

BREAST CANCER AWARENESS  
MONTH

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Ms. SNOWE. Mr. Speaker, since today is the first day of Breast Cancer Awareness Month, I would like to give my colleagues an opportunity to think about all the women who are a part of their lives.

Think about wives and daughters, mothers and sisters, aunts and nieces, sister-in-laws, female cousins, and female friends.

I intentionally mentioned nine groups of women. That's because 1 in 9 women will develop breast cancer in her lifetime.

Breast cancer will claim the lives of 45,500 women this year alone, some 180 in Maine. The incidence of breast cancer in Maine surpasses all other forms of cancer in women. And nationally, breast cancer is the leading cause of death for women between 35 and 50 years old.

To remedy this situation, the congressional caucus for women's issues has sought passage of women's health legislation, including research on breast cancer, mammography screening and standards. And we are finally close to realizing some of our goals. But we need support from all of you to see that women's health becomes a priority. We have a long way to go in research, services and prevention to begin addressing the specific needs of women.

My colleagues, women's health has been ignored far too long. It's time some of you start thinking about all the women that you care about, review the statistics on breast cancer, and make a commitment to progress in women's health.

MARKING THE 90TH ANNIVERSARY  
OF BETTS INDUSTRIES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1991

Mr. CLINGER. Mr. Speaker, I would like to take this opportunity to recognize Betts Industries, Inc., of Warren, PA, which is celebrating its 90th anniversary as a manufacturer, employer, good neighbor, and a shining example of successful industry in America today.

Betts Industries dates back to 1901 when Louis J. Betts and Charles S. Fairchild, both machinists by trade, joined together to form "Fairchild & Betts: Founders and Machinists." From its earliest days, Betts has been in-

involved in the oil industry. The business started with just a few products, including oil well rigs, gas engines, sled shoes, cast iron street signs, manholes, and sewage gratings. Today Betts is a worldwide leader in the manufacturing of valves, manholes, vents, and lighting systems for the petrochemical tank truck industry.

With a work force of nearly 200 employees, Betts is a significant employer and contributor to the economy of Warren. Of even greater significance, however, is the example that Betts Industries represents in terms of supporting and encouraging the basic values that make them a model neighbor in western Pennsylvania.

For instance, when you enter the lobby at Betts Industries, you notice a large wooden frame which contains a picture of President Abraham Lincoln, the great emancipator. Also prominently displayed is one of four original copies of the 13th amendment to the U.S. Constitution. Betts is proud to have these pieces of American history in their lobby as a visitor's first impression of the company because they believe in equality as a tenet upon which this country was founded.

According to Richard T. Betts, president of the company since 1962, there are few documents such as the 13th amendment that celebrates human rights. Abraham Lincoln also played a major role in our Nation's progress toward equality in all aspects of life. Concern for these principles is evidenced in many policies that have led Betts to their position as a worldwide leader not only in the quality of their products but also in terms of their employment practices.

Betts Industries is an example of American enterprise at its best. This company strongly supports the principles of individual initiative and human rights, continually using the benefits of their success for the betterment of others.

At Betts special incentives to be productive benefit not only the company but the employees as well. Betts rewards their employees with profit-sharing programs and also through a program whereby the employees received additional paid vacation time if certain goals are met. Betts Industries has also taken some innovative steps in making the cost of health care affordable for their employees despite the rising costs of such care. An important part of Betts' health cost containment strategy is an incentive program which financially rewards employees for their healthy life styles. Betts is currently demonstrating the first industrial application of a program called "Wealth from Health," acting as a model for other companies to follow.

Betts has also made major contributions to various civic organizations, charitable groups, and to our country. Since 1957, the Betts Foundation has given more than \$1 million to scores of charitable organizations to raise the quality of life in the Warren area. And when our troops were sent to the Middle East, Betts Industries was also proud to play a significant role in supplying much-needed valves for water, fuel, and oil in Operation Desert Shield and Storm.

There is a special quality about Betts industries evident in their outstanding history as leaders in their community, American industry, and in the world.

On the occasion of their 90th anniversary, I am proud to recognize Betts Industries for their outstanding contributions to the community of Warren and commend them for the high standards for which they and our country stand. I offer my sincerest congratulations and best wishes for their future success.

RESOLUTION TRUST CORPORATION  
AMENDMENTS ACT OF 1991

**HON. NEWT GINGRICH**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. GINGRICH. Mr. Speaker, today I am introducing the Resolution Trust Corporation Amendments Act of 1991. I intend to offer this bill as an amendment to the RTC legislation which we will be considering later this year.

The bill I am introducing consists of two parts. First, it will require the RTC to shut its doors 2 full years ahead of its current statutory life. The Federal Home Loan Bank Act calls for a sunset of the RTC no later than December 31, 1996. My legislation requires a sunset date of December 31, 1994.

Bureaucracy and government control of economic assets are anathema to the economic principles on which our Nation was founded. The RTC is doing a job that is necessary to restore stability in the thrift industry. It is absolutely critical, however, that this job be finished in as prompt a manner as sound economics allow. Mr. Speaker, I believe the debate over the termination of the RTC should begin today.

The second provision of my bill would extend the authority under which the Office of Thrift Supervision [OTS] may transfer thrifts to the RTC for resolution. Current law provides for a termination of this authority on August 9, 1992. My legislation would extend this authority until October 1, 1993.

This extension was requested by the Department of the Treasury in its September 12 testimony before the House Banking Subcommittee on Financial Institutions Supervision, Regulation and Insurance. I agree with the concerns expressed by Treasury on the caseload burden, the impact of lengthy conservatorships on asset value, and the overall health of the thrift industry.

Mr. Speaker, I commend the Resolution Trust Corporation Amendments Act to your attention.

A TRIBUTE TO ALEX L. ADAMS

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. HUNTER. Mr. Speaker, I would like to pay tribute to Alex L. Adams, who died on August 24, 1991, in El Cajon, CA. Alex was a national leader and promoter of soil and water conservation.

Alex began his contributions and commitment to the wise use and management of our natural resources, over 35 years ago as a

board member of the Greater Mount Empire Resource Conservation District. At the time of his death, Alex was serving as president of his local conservation district and the San Diego County Association of Resource Conservation Districts, a director of the California Association of Resource Conservation Districts, and as a director of the National Association of Conservation Districts.

Mr. Speaker, it is dedicated people such as Alex Adams, serving the Nation's conservation districts, that affords all Americans the opportunity to enjoy this country's lavish natural resources. Alex will not only be missed by his family, but the Nation's conservationists as well.

CELEBRATION TO BE HELD ON  
THE OCCASION OF TAIWAN NA-  
TIONAL DAY

**HON. DANA ROHRBACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. ROHRBACHER. Mr. Speaker, on the occasion of the Republic of China's 80th birthday on October 10, 1991, I wish to extend my congratulations to President Lee Teng-hui and Foreign Minister Fredrick Chien of the Republic of China.

Taiwan's progress toward democracy and economic prosperity gives hope to all Chinese for a better tomorrow. Next week Taiwan's distinguished representative to the United States, Ambassador Mou-Shih Ding and his excellent staff, are hosting a celebration on the occasion of Taiwan National Day at the Omni Shoreham Hotel, Washington, DC. I urge my colleagues to attend this special event to show their support for democracy on Taiwan and for the hope for democracy in the rest of China.

A CONGRESSIONAL SALUTE TO  
LORRAINE ORNELAS

**HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Ms. Lorraine Ornelas, an outstanding individual and long time friend of the San Pedro community. In recognition of her 20 years of dedicated service to the International Training in Communication Organization [ITC], Ms. Ornelas was honored on Sunday, September 29 with an ITC lifetime membership. I wish to take this opportunity to express my sincere appreciation for her many years of labor for our community.

Ms. Ornelas joined the ITC in 1971, when it was known as the Toastmistress Club. Since that time, she has held every office at both the club and council level. Most recently, she served on the International Speech Contest Committee at the ITC convention held in Washington, DC in July 1991. There is no doubt that the ITC would have suffered without her strong leadership.

Throughout her life, Ms. Ornelas has developed an impressive record with countless civic

organizations. She has improved the local school system through the Parent Teacher Association offering her assistance to many local branches. In fact, the Cabrillo Avenue PTA has already recognized her work with a life membership. She has also channeled her efforts into the Girl Scouts of the USA for the past 25 years, earning the 20 Karat Gold Girl Scout Pin and the Girl Scouts Thanks Badge. A short list of some of the other organizations Ms. Ornelas has supported includes the Confraternity of Christian Doctrine, the American Red Cross, the United Crusade, Wilmington Women's Division, the Peck Park International Jubilee, the California Association of Health Physical Education, Recreation, and Dance, Alpha Mu Gamma Language Fraternity, and Alpha Gamma Sigma. She was also the founding president of LA Harbor College Alumni and Friends Association.

Very few citizens invest as much time and effort to the community as Ms. Ornelas. In recognition of this commitment, she was awarded the Outstanding Citizen Award for Wilmington Chamber of Commerce in 1979, and the Amicus Collegii Award for Los Angeles Harbor College in 1979. I only hope that other citizens emulate the tireless devotion Ms. Ornelas has shown for our entire population.

On this occasion, my wife, Lee, joins me in extending our heartfelt congratulations to Lorraine Ornelas for her many years of invaluable contributions to our grateful community. We wish Lorraine, her children, Patricia Modugno, Daniel Ornelas, Jacqueline Bebich, David Ornelas, and Jack Donald Rodwell Ornelas, and her six granddaughters all the best in the years to come.

BREAST CANCER IS EMERGING AS  
A CRITICAL HEALTH ISSUE OF  
THE 1990'S

**HON. JACK REED**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1991*

Mr. REED. Mr. Speaker, I applaud Representative SCHROEDER and Representative LLOYD for their leadership on this issue and for calling for remarks from Members today.

The number of women diagnosed with breast cancer in the United States is rapidly increasing. In the United States, 1 in 10 women will develop breast cancer. Forty-four thousand women will die from the disease this year. Indeed, breast cancer is emerging as one of the critical health issues of the 1990's. In recognition of this, I am proud to be an original cosponsor of both the Women's Health Equity Act and the Breast Cancer Screening Act.

Until a cure or prevention for breast cancer is found, early detection will be crucial for long-term survival. Some experts suggest that if women nationwide would have mammograms, doctors would save about 30 percent more women with breast cancer than they do now. The incidence of breast cancer is increasing, but early detection and survival rates are also increasing. Currently, an estimated 20 to 30 percent of early cancer is detected by mammograms; in 1981, only 3 percent was detected.

